



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 29th April, 2016:—

### BILL NO. 3 OF 2016

*A Bill further to amend the Information Technology Act, 2000.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Information Technology (Amendment) Act, 2016.

Short title, and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For section 78 of the Information Technology Act, 2000, the following section shall be substituted, namely:—

Substitution of  
new section  
for section 78.

"78. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the in-charge of a police post including village police post shall investigate any offence under this Act."

Power to  
investigate  
offences.

## STATEMENT OF OBJECTS AND REASONS

The cyber network in the country has increased manifold during the last few years. Most of the areas of the country including remote villages are connected with internet and the people all over the country, not only of metro cities and big cities, but also of rural areas, now have access to Internet for exchanging information, ideas and their opinion through various social media. Alongwith, the misuse of various social media and perpetuating web based crime is increasing day by day.

Section 78 of the Information Technology Act, 2000 empowers a police officer, not below the rank of Inspector, to investigate offences of any type of cyber crime/cyber fraud, financial or otherwise, under the Act.

Though a lot of measures have been taken on cyber security and checking the cyber fraud, but due to lacunae in section 78, in interior rural areas local police cannot investigate in the matter for want of officer of the rank. It is a known fact that India is a vast country and in every nook and corner, especially in interior villages, there is no full-fledged Police Station which are headed by an Inspector. As an officer below the rank of Inspector of Police is not empowered under section 78 of the Information of Technology Act, 2000 to investigate cyber fraud, local village police posts which are headed by an officer below the rank of Inspector could not take any action under their jurisdiction. As a result, a large number of cyber crime cases remain pending for long time.

Given that section 78 of the Information Technology Act, 2000 cannot be fully implemented effectively in the rural/interior parts of the country, the present law needs to be amended in order to broaden the scope, of this section.

Thus, there is an urgent need to amend section 78 of the Information Technology Act, 2000 to empower the in-charge of a local police post to investigate the cyber crime under his jurisdiction.

The Bill, therefore, seeks to substitute section 78 of the Information Technology Act, 2000 with a view to empower an officer in-charge of a police post including in-charge of a village police post, not necessarily of the rank of Inspector of police, to investigate cyber crimes.

Hence this Bill.

NEW DELHI;  
*December 10, 2015.*

KIRIT SOMAIYA

## BILL NO. 76 OF 2016

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2016.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

C.O. 19.

**2.** In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in PART XVIII.-*Uttar Pradesh*, entry 55 shall be omitted.

Amendment of the Constitution (Scheduled Castes) Order, 1950.

C.O. 78.

**3.** In the Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, after entry 15, the following entry shall be inserted, namely:—

“16. Musahar.”.

Amendment of the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.

## STATEMENT OF OBJECTS AND REASONS

Even after sixty-eight years of independence, the persons belonging to the 'Musahar' community residing in various parts of the State of Uttar Pradesh especially in the districts of Chandauli, Varanasi and Mirzapur are living under pitiable condition. The community has been included in the list of Scheduled Castes in respect of the State. However, the community is not able to compete with other Scheduled Castes and have been deprived of all the benefits like reservation etc. In fact today they have been marginalized by other forward Scheduled Castes.

Now, it is the need of the hour that "Musahar" community be included in the list of Scheduled Tribes to enable them to avail the existing financial and other benefits under the ongoing schemes meant for welfare of the listed tribal communities.

Hence this Bill.

NEW DELHI;  
*February 24, 2016.*

MAHENDRA NATH PANDEY

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FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to include Musahar community in the list of Scheduled Tribes in respect of the State of Uttar Pradesh. The Bill, therefore, if enacted, would involve additional recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to this tribe under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees five hundred crore will be involved annually.

No non-recurring expenditure will be involved.

## BILL NO. 28 OF 2016

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2016.

Short title.

2. In article 243G of the Constitution,—

Amendment  
of article  
243G.

(i) for the words—

(a) "the Legislature of a State may, by law," the words "the Legislature of a State shall, by law," shall be substituted; and

(b) "such law may contain" the words "such law shall contain" shall be substituted.

(ii) in clause (b), after the words "Eleventh Schedule" the following words shall be added, namely:—

"by the year 2017".

3. In article 243W of the Constitution,—

Amendment  
of article  
243W.

(i) for the words—

(a) "the Legislature of a State may, by law, endow" the words "the Legislature of a State shall, by law, endow" shall be substituted; and

(b) "such law may contain" the words "such law shall contain" shall be substituted.

(ii) in clause (a), in sub-clause (ii), after the words "Twelfth Schedule" the following words shall be added, namely:—

"by the year 2017".

## STATEMENT OF OBJECTS AND REASONS

After Seventy Third and Seventy Fourth Amendments to the Constitution came into force, it was presumed that most of the States shall enact necessary legislations to confer powers on Panchayats and Municipal Bodies in their respective jurisdiction taking a leaf out of the same.

Whereas some of the States have endowed the powers to be exercised by the Panchayats by incorporating the subjects included in the Eleventh Schedule to the Constitution and similarly the powers to be exercised by Municipal Bodies in regard to subjects contained in the Twelfth Schedule have been conferred upon the Municipal Bodies. However, these steps are relatively an eye-wash and infact requisite powers have not yet been conferred to the Panchayats and Municipal Bodies concerned.

If we actually wish to translate the vision of our former Prime Minister late Shri Rajiv Gandhi who was inspired by Mahatma Gandhi's ideals of 'GRAM RAJYA', a concrete mandatory constitutional provision to empower and make effective the institutions of self-Government at local level is the need of the hour.

It is in this context that the relevant articles of the Constitution are proposed to be amended so as to make it mandatory for State legislatures to enact laws aimed at conferring Panchayats and Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-Government. It has also been proposed in the Bill that the law to be enacted by State legislatures shall contain provisions for the devolution of powers and responsibilities upon Panchayats and Municipalities at appropriate level.

Hence this Bill.

NEW DELHI;  
*February 8, 2016*

RAJESH RANJAN

## BILL NO. 44 OF 2016

*A Bill to ensure timely payment of dues to workers of tea gardens whose management has been directed by the Central Government to be taken over by the Tea Board vide Central Government Notification S.O. 260 (E) dated 28th January, 2016.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Tea Garden Workers (Timely Payment of Dues) Act, 2016.

Short title.

2. (1) The Central Government shall, within one month of the coming into force of this Act, take such steps, including confiscation and auction of personal properties of the office bearers of the Tea Companies in the State of West Bengal, as are necessary for payment of wages and other dues to tea garden workers of such companies.

Timely payment of dues to tea garden workers in respect of Tea Companies in the State of West Bengal whose management has been directed by the Central Government to be taken over by the Tea Board.

(2) In this section the expression "Tea Companies" mean the following Tea Gardens, whose management has been directed by the Central Government to be taken over by the Tea Board vide Central Government Notification S.O. 260 (E) dated 28th January, 2016:—

- (i) Birpara Tea Estate;
- (ii) Garganda Tea Estate;
- (iii) Lankapara Tea Estate;
- (iv) Tulsipara Tea Estate;
- (v) Huntapara Tea Estate;
- (vi) Dhumchipara Tea Estate; and
- (vii) Demdima Tea Estate.

## STATEMENT OF OBJECTS AND REASONS

The Central Government recently notified in the Gazette and authorised the Tea Board to take immediate steps to take over the management of seven tea estates in the State of West Bengal. These gardens belonged to the M/S Duncan Industries Limited, where rupees seventy crores are due to the tea garden workers. But till now, the dues of workers have not been released. A stringent law is necessary to ensure that workers dues are timely paid and workers do not die of starvation.

Hence this Bill.

NEW DELHI;  
*February 10, 2016.*

SAUGATA ROY

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FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall, within one month of the coming into force of this Act, take such steps as are necessary for payment of wages and other dues to tea garden workers. Such steps may include financial assistance from the Central Government. However, at this stage, it is not possible to give the estimates of expenditure which would be incurred from the Consolidated Fund of India.



## BILL NO. 43 OF 2016

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2016.

Short title.

2. After 21A of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article  
21B.

"21B. Every citizen shall have the right to gainful employment in such manner as Parliament may, by law, determine.".

Right to  
gainful  
employment.

## STATEMENT OF OBJECTS AND REASONS

Our Constitution guarantees right to freedom of speech, peaceful assembly, form associations or unions, etc. to ensure a dignified life to every citizen. But it does not ensure right to work or gainful employment for millions of its citizens in the country where unemployment is the biggest scourge. The need is to provide constitutional safeguards to every citizen in form of rights and gainful employment.

The Bill, therefore, seeks to amend the Constitution with a view to guarantee right to gainful employment to every citizen.

Hence this Bill.

NEW DELHI;  
*February* 10, 2016.

SAUGATA ROY

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FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert new article 21B in the Constitution with a view to make right to gainful employment as fundamental right of the citizens. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of about rupees one hundred crore would be involved per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## BILL NO. 31 OF 2016

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After clause (1) of article 72 of the Constitution, the following clause shall be inserted, namely:—

Amendment  
of article 72.

“(1A) Save as otherwise provided in clause (1), the power referred to in clause (1) shall be exercised by the President within a period of six months from the date of receipt of the petition of mercy:

Provided that if the President does not exercise the power within the aforesaid period, it shall be deemed that the petition of mercy has been declined and shall not be resubmitted.

(1B) The power referred to under clause (1) shall not apply to the punishment or sentence of any person convicted of any offence relating to—

(a) sedition or waging war against the State; and

(b) terrorist activities in any part of the country.”.

## STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution empowers the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of an offence mentioned in that article. Though, the President has been bestowed with absolute powers in this regard, no time limit has been fixed within which such power has to be exercised. As a result, the mercy petitions are kept pending for a long period without any decision. As a fallout of this, the convicts are to be kept guarded in jails and heavy expenditure is incurred upon them. It is burden on tax payer's money and a drain on national exchequer. In the present situation, attempts are being made both externally and internally to hurt harmony and cohesiveness of our civil society in the form of terrorist activities or other such heinous crimes. The persons who commit such heinous crimes misuse the provision of mercy petition to delay the sentence as disposal of such petitions take several years. It is high time that such inordinate delay in disposal of mercy petitions be addressed to by providing that the power of the President to grant pardon, reprieve, respite or remission of punishment etc. must be exercised within six months of the receipt of the mercy petition in genuine cases and there is an urgent need to exclude specifically the acts of terrorism from the purview of this article.

The Bill seeks to amend the constitution with a view to put a time limit to exercise the pardoning power and excluding acts of sedition and terrorism from the pardoning power of the President.

Hence this Bill.

NEW DELHI;  
*February* 10, 2016

ANURAG SINGH THAKUR

## BILL NO. 56 OF 2016

*A Bill to provide for the constitution of a National Sports Ethics Commission to ensure ethical practices and fair play in sports including elimination of doping practices, match fixing, fraud of age and sexual harassment of women in sports and for matters connected therewith or incidental thereto.*

WHEREAS the United Nations in its resolution 58/5 adopted by the General Assembly on the 3rd day of November, 2003 recognizes sport as a means to promote education, health, development and peace:

AND WHEREAS the International Convention adopted on the 19th day of October, 2005 at Paris provides for action against doping in sports and India ratified the said Convention on the 10th day of September, 2007.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the National Sports Ethics Commission Act, 2016.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "athletic competition" means any sports competition at local, national or international level in which sportsperson compete;

(b) "coach" means a person or a group of persons engaged in imparting training to, and promotion of professional skills of, a sportsperson;

(c) "eminent athlete" means an athlete who has either won an Olympic Medal, Asian Games Medal, a World Cup/World Championship medal or a Commonwealth Games Medal in an Olympic or non-Olympic sport;

(d) "executive body" means a group of elected Office bearers and members including nominees of the Federation Committee, by whatever name called, who collectively manages and controls the affairs of a Sports Federation;

(e) "Federation Committee" means a Federation Ethics Committee to be constituted by every Sports Federation under section 3;

(f) "National Commission" means the National Sports Ethics Commission constituted under section 6;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "sportsperson" means a person who participates in sports;

(i) "Sports Federation" means—

(a) a federation recognised by the International Olympic Committee in respect of an Olympic sport;

(b) a federation which regulates the sport at international level in respect of non-Olympic sports;

(c) any other federation which regulates any other sport internationally; and

(d) any other sports federation recognised by the Central Government.

## CHAPTER II

### ESTABLISHMENT AND FUNCTIONS OF BODIES

Constitution  
of the  
Federation  
Ethics  
Committee.

3. (1) Every Sports Federation shall, within six months of the coming into force of this Act, frame its own rules for constituting, by election or nomination, a Federation Ethics Committee.

(2) The Federation Committee shall consist of elected members, coaches, eminent athletes and such other persons which the executive body may deem appropriate.

(3) The Federation Committee shall be constituted within six months of the framing of rules under sub-section (1).

(4) The term of the members of the Federation Committee shall be for four years from the date of election or nomination or attainment of age of seventy years, whichever is earlier.

(5) A member of the Federation Committee shall not be eligible for the re-election or re-nomination.

(6) Every Sports Federation shall, within one year of the coming into force of this Act, evolve a mechanism for receiving complaints and removal of a member of the Federation Committee.

4. (1) Every Federation Committee shall, within one year from the date of its constitution, frame a Code of Ethics comprising rules and regulations for prevention, monitoring and detection of unethical practices in sports and offences under this Act.

Functions of the Federation Committee.

(2) Every Federation Committee shall submit the evidence and its report thereon in regard to any offence committed by its sportsperson to the National Commission within such time as may be provided for in its Code of Ethics.

5. Every Federation Committee shall submit an annual report to the National Commission in respect of its functioning, precautionary initiatives and such other matters as the National Commission may specify.

Annual reporting by Federation Committee.

6. (1) The Central Government shall, within six months from coming into force, constitute a National Sports Ethics Commission for enforcing the Code of Ethics and adjudicating upon offences referred to in Chapter III.

Constitution of the National Sports Ethics Commission.

(2) The National Commission shall consist of six members to be appointed by the Central Government in such manner, as may be prescribed:

Provided that four members of the National Commission shall be appointed by the Central Government from amongst persons, who have been Judges of the Supreme Court or a High Court in consultation with the Chief Justice of India or his nominee Judge.

7. (1) The National Commission shall sit in Benches of three members.

Seat and Benches of the National Commission.

(2) Every Bench shall have two judicial members and shall be presided over by such judicial member as the Chief Justice of India may specify.

(3) The term of the members of the National Commission shall be for four years from the date of appointment or attainment of the age of seventy years, whichever is earlier.

(4) A member of the National Commission shall not be eligible for re-appointment.

(5) No member of the National Commission, after serving as a member, shall be entitled to seek any position or benefit in any Sports Federation.

(6) The salary and allowances payable to and the other terms and conditions of service of the members of the National Commission shall be such as may be prescribed.

(7) A member shall, while discharging his duties, be governed by the conduct rules applicable to the members of the Union Public Service Commission to the extent that such rules are not inconsistent with the provisions of this Act.

8. (1) The head office of the National Commission shall be in New Delhi and the National Commission may establish branch offices at such other places, as it may deem necessary.

Office and staff of the National Commission.

(2) The National Commission shall have a Secretariat with such number of officers and staff as may be required for carrying out the purposes of this Act.

(3) The salary and allowances payable to and other terms and conditions of service of officers and staff of the Secretariat shall be such as may be prescribed.

(4) The National Commission may engage experts in the field of sports on a contract basis for a period not exceeding three years at a time and on such terms and conditions as the Central Government may prescribe.

9. (1) No member of the National Commission shall be removed from his office except in accordance with the provisions of this section.

Removal of members of the National Commission.

(2) The Central Government may, by order, remove from office any member, if he—

(a) has been adjudged an insolvent by the competent court; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his function; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(f) has been guilty of proven misbehaviour; or

(g) has failed to discharge his duties.

(3) No member shall be removed from his office unless a recommendation to this effect is made by the Chief Justice of India in case of a judicial member and by the Central Government in case of a non-judicial member:

Provided that no member shall be removed from his office on a ground specified in clauses (d), (e), (f) or (g) of sub-section (2) unless an enquiry has been conducted for this purpose and the member has been given an opportunity to defend himself.

Duties and  
functions of  
National  
Commission.

**10.** (1) The National Commission shall exercise, perform and discharge its powers, functions and duties reasonably with fairness, impartiality and independence and in a manner that is timely, transparent, proportionate, accountable and consistent with this Act and the applicable laws.

(2) The National Commission may—

(i) *suo motu* order report from a Sports Federation against any sportsperson regarding commission of any offence under this Act;

(ii) frame guidelines for structure of annual reports and other documents expected from Federation Committee; and

(iii) order any Sports Federation to amend its Code of Ethics if, in the opinion of the National Commission, it is not in consonance with the laws and principles enshrined in this Act or the Constitution of India.

(3) The National Commission shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely, for:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) subject to the provisions of section 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document from any office; 1 of 1872.

(e) issuing commissions for the examination of witnesses or documents;

(f) reviewing its decisions;

(g) dismissing an application for default or deciding it, *ex-parte*;

(h) setting aside any order of dismissal of any application for default or any order passed by it, *ex parte*; and

(i) any other matter which may be prescribed.

Transfer of  
pending case.

**11.** (1) All civil cases in which Sports Federations have been impleaded as party and pending adjudication before any court or authority other than a High Court or the Supreme Court shall, immediately before the date of Constitution of National Commission, stand transferred to the National Commission.



(2) Any case pending adjudication before a High Court except a case under article 226 or 227 of the Constitution of India, in which a Sports Federation is a party, may, with the leave of the Court, be transferred to the National Commission.

(3) The cases transferred to the National Commission under sub-section (1), shall be heard and adjudicated from the stage at which such case was pending in the court or the authority, as the case may be, unless the National Commission is of the opinion that such case needs to be heard afresh.

**12.** No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the National Commission is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar on jurisdiction of a civil court.

**13.** (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law, and appeal shall lie against any order, not being an interlocutory Order, of the National Commission to the High Court or the Supreme Court on one or more of the grounds specified in section 100 of that Code.

Appeal to High Court and Supreme Court.

(2) No appeal shall lie against any decision made by the National Commission with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the decision of the National Commission:

Provided that the Supreme Court or a High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

**14.** (1) An order passed by the National Commission under this Act shall be executable as a decree of civil court, and for this purpose, the National Commission shall have all the powers of a civil court.

Orders passed by the National Commission to be executable as decree.

(2) Notwithstanding anything contained in sub-section (1), the National Commission may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

### CHAPTER III

#### OFFENCES AND PENALTIES

**15.** (1) The provisions of this Chapter shall be in addition to, and not in derogation of the provisions of any other law providing for prosecution for offences thereunder.

Power to frame guidelines.

(2) The Code of Ethics referred to in section 4 shall be made by Federation Committee in accordance with the guidelines of the National Commission.

**16.** (1) Without prejudice to any provisions of law, judgement of court or rules made by the Central Government to prohibit sexual harassment, any person including a member of any sports federation, a coach or a sportsperson, who has been found guilty of sexual harassment, shall be debarred by the Sports Federation from participating in any existing or future sports event in any capacity, whether as a member of any Sports Federation or coach or sportsperson or otherwise.

Penalty for sexual harassment.

(2) The National Commission shall ensure that all Sports Federations follow the guidelines framed under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

**17.** (1) For the purpose of this section 'match fixing' means—

(a) instances where an individual sportsperson or coach or member or Sports Federation or a group of them receives money individually or collectively to underperform;

(b) instances where an individual sportsperson or coach or member of Sports Federation or a group of them places bets in athletic competitions in which they play or influence decision that shall naturally undermine the performance;

Penalty for match fixing.

(c) instances where an individual sportsperson or coach or member of Sports Federation or a group of them passes information to a betting syndicate about team composition, probable result or any other insider information regarding the sports;

(d) instances where grounds men are given money to prepare a pitch in a way which suited the betting syndicate; and

(e) instances where former or current individual sportsperson or coach or member of Sports Federation or a group of them are used by bookies to gain access to Indian and foreign players to influence their performance for a monetary consideration.

(2) Without prejudice to any provisions of law, judgement of court or rules made by the Central Government, any person including a member of any Sports Federation, a coach or a sportsperson, who has been found guilty of match fixing, shall be debarred by the Sports Federation from participating in any existing or future sports event in any capacity, whether as a member of any Sports Federation or coach or sportsperson or otherwise.

(3) Any person found guilty of match fixing shall be punished with rigorous imprisonment for a term which shall not be less than ten years and or with fine which shall be five times the amount involved in the match fixing.

Penalty for false age or gender.

**18.** (1) Any sportsperson, his guardian, a coach or a member of Sports Federation who withholds the information regarding true age or gender of a sportsperson shall be—

(i) punished with rigorous imprisonment for a term which shall not be less than six months and with a fine of one lakh rupees; and

(ii) debarred by the Sports Federation from participating in any existing or future sports event in any capacity, whether as a member of any sports federation or coach or sportsperson or otherwise.

(2) Any sportsperson, not being minor, along with the guardian, coach or member of Sports Federation who internationally allows that sportsperson to participate in an athletic competition, which is not suitable for the age or gender of that sportsperson shall be—

(i) punished with imprisonment for a term which shall not be less than one year and with fine of five lakh rupees; and

(ii) debarred by the Sports Federation from participating in any existing or future sports event in any capacity, whether as a member of any sports federation or coach or sportsperson or otherwise.

Penalty for doping.

**19.** (1) Any sportsperson, who under this discretion or under the influence of a coach or a member of Sports Federation, indulges in substance abuse or any form of doping as specified in the Code of Ethics of Sports Federation, and the Coach or the member of Sports Federation who influenced the sportsperson, shall be—

(i) punished with rigorous imprisonment for a term which shall not be less than ten years and/or with a fine of ten lakh rupees; and

(ii) debarred by the Sports Federation from participating in any existing or future sports event in any capacity, whether as a member of any Sports Federation or coach or sportsperson or otherwise.

Penalty for wilful failure to comply with orders of Commission.

**20.** (1) Any sportsperson or coach or member of Sports Federation or any other person, who willfully fails to comply with the order of the National Commission, shall be punished with fine which may extend upto one lakh rupees and in case of a second offence with fine which may extend upto two lakh rupees and in the case of continuing contravention with additional fine which may extend upto twenty thousand rupees for each day during which such default continues.

(2) Where the National Commission is of the opinion that an application before it is frivolous or *mala fide*, it may impose a fine on the applicant which shall not be less than ten thousand rupees but which may extend upto one lakh rupees.

(3) The National Commission may award costs of litigation to a party.

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CHAPTER IV  
MISCELLANEOUS

**21.** No suit, prosecution or other legal proceedings shall lie against any person or authority for anything which has been done or intended to be done in good faith under this Act or the rules made thereunder.

Protection of  
action taken  
in good faith.

**22.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Power to  
remove  
difficulties.

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**23.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Recently, corruption and match fixing charges were thrown up in Indian cricket and other sports by multiple players. It was only about a few years back, when the racket of 'match fixing' in Indian cricket came to fore when eminent players were all charged with 'fixing' the matches. The concerned players are currently charged under inappropriate sections of Dishonesty and Cheating under Indian Penal Code, 1860 as well as the Prevention of Corruption Act, 1988 which do not apply to their profession. Although action against players were taken by Sports Federations and they have been banned for life, there is still an issue because there is nothing in any of the Indian law which bring match fixing and such offences under specific criminal law. There are other latches and loopholes for cases of false age or gender or doping charges and there is an urgent need to check such offences under the legal system.

United Nations in its resolution 58/5 adopted by the General Assembly on the 3rd November, 2003 has recognized sport as a means to promote education, health, development and peace. The International Convention adopted on the 19th October, 2005 at Paris provides for action against doping in sports and India ratified the said Convention on the 10th September, 2007. The Bill fulfils the purpose of fair play, conducive environment for sports and justice to those wronged by others.

Hence this Bill.

NEW DELHI;  
*February 10, 2016.*

ANURAG SINGH THAKUR

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#### FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for establishment of a National Sports Ethics Commission. Clause 8 provides for establishment of offices, Secretariat and staff of the Secretariat of the Commission. It also provides for engagement of experts on contractual basis. Clause 21 provides that all sums realised by way of penalties shall be credited to the Consolidated Fund of India. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill provides for engagement of experts on a contractual basis. Clause 10 empowers the National Sports Ethics Commission to frame guidelines. Clause 23 empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of details only, the delegation of legislative power is of normal character.

## BILL NO. 30 OF 2016

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2016.

Amendment  
of the Seventh  
Schedule.

**2.** In the Seventh Schedule to the Constitution,—

(i) In List II-State List, in entry 33, the word "sports," shall be omitted; and

(ii) In List III-Concurrent List, after entry 47, the following entry shall be inserted,  
namely:—

"48. Sports-promotion and development."

## STATEMENT OF OBJECTS AND REASONS

India is home to a more than billion population. However, our dismal performance at the International sports like the Olympics, Asian Games and the Common Wealth Games make it evident that there is an absence of thrust in sports in the country. Clearly, our culture and attitude towards sports is a major deterrent towards improving sporting standards in our country. Even in our Constitution, sports is clubbed along with theatre, entertainment and other amusements as a State subject.

Promoting sportspersons by providing equal opportunity, incentives and access to sporting facilities is essential, however, changing the attitude of people and bringing seriousness about sports education and training in physical fitness is of utmost importance. Moreover, sporting activities are means of a holistic development for all. It is a potential tool for the physical and mental well-being of people by inculcating values of leadership, teamwork, endurance, and focus along with bringing exposure, helping skill development and increasing immunity towards various illnesses that in turn would increase the productivity of people and hence boost economic development throughout the country.

The United Nations recognizes sport as a low-cost and high-impact tool in humanitarian development and peace-building efforts, the standard of which is increasingly being recognised. In India the prevalent scenario does not provide for students and sportspersons to excel in the arena of sports, but only emphasizes the importance of sports in physical fitness. The lack of infrastructural facilities and training of international standards are major impediments in the process of development of sports in India. This should not be used in excuse and deter the Central Government to wash their hands off the responsibility of providing sporting facility, from the grassroots level, in villages and small towns to upgrade the quality of infrastructure at major towns and regional centers.

The proposed Bill seeks to inculcate the beginning of importance to be given to sports by shifting it to concurrent list so that the Central Government can play its due role. This is a step towards promoting a culture of sports by coordinating the responsibility among Center and State in order to harness the talent and potential of the youth and bring international acclaim to India.

Hence this Bill.

NEW DELHI;  
*February* 10, 2016

ANURAG SINGH THAKUR

## BILL NO. 61 OF 2016

*A Bill to provide for the constitution of a Life Insurance Agents Fund for the Welfare of life insurance agents and for matter connected therewith.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Life Insurance Agents Welfare Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "establishment" means a company or corporation engaged in life insurance;

(b) "Fund" means the Life Insurance Agents Welfare Fund constituted under section 3;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) the expression "Life Insurance Agent" shall have the same meaning as is assigned to "insurance agent" under the Insurance Act, 1938 and includes advisor, sales promoter, sales executive, intermediaries either employed or engaged in any establishment for hire or reward to do any work relating to promotion of sale or business of life insurance, or both, but does not include any such person engaged in a supervisory capacity.

4 of 1938.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Life Insurance Agents Welfare Fund for the welfare of the life insurance agents.

Constitution  
of Life  
Insurance  
Agents  
Welfare Fund.

(2) The Fund shall consist of contributions from Central Government, the Life Insurance Corporation or companies engaged in life insurance and the insurance agents in such ratio as may be prescribed.

(3) The Fund shall be administered by a Board consisting of—

(a) the Union Minister of Finance—Chairperson, ex-officio;

(b) two persons representing the Insurance—member;

Regulatory and Development Authority

(c) one representative from—member; and

Life Insurance Corporation of India

(d) two persons representing the life insurance agents—member

to be nominated by the Central Government.

4. The Fund shall be utilized for—

Utilization of  
Fund.

(i) payment of compensation to the next of kin of a life insurance agent in case of death;

(ii) payment of old age pension to a life insurance agent after he has attained the age of sixty years and undertaken minimum ten years of continuous work as an agent;

(iii) payment of family pension to the dependents of the deceased life insurance agent;

(iv) payment of premium for the medical insurance of the insurance agents; and

(v) such other purposes as the Board may deem necessary for the welfare of life insurance agents.

5. It shall be the responsibility of the Life Insurance Corporation or an establishment, as the case may be, to issue a licence to every life insurance agent working as an agent under it in such form as may be prescribed.

Licence to life  
insurance  
agents.

6. It shall be the responsibility of the Life Insurance Corporation or an establishment, as the case may be, to create and maintain an online portal of the life insurance agents containing such particulars as may be prescribed.

Online portal  
of the life  
insurance  
agents.

Application of certain Acts to life insurance agents.

**7.** The provisions of the Workmen's Compensation Act, 1923, the Industrial Disputes Act, 1947, the Minimum Wages Act, 1948, the Maternity Benefit Act, 1961, the Payment of Bonus Act, 1965 and the Payment of Gratuity Act, 1972, as in force for the time being, shall apply to, or in relation to, life insurance agents as they apply to workmen or employees, as the case may be, within the meaning of those Act.

8 of 1923  
14 of 1947  
11 of 1948  
53 of 1961  
21 of 1965 and  
39 of 1972.

Offences by life insurance companies or corporation.

**8.** Where an offence under this Act has been committed by an insurance company or corporation and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company/corporation, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this section, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Cognizance of offence.

**9.** (1) No court inferior to that of a Metropolitan Magistrate or a Magistrate of First Class shall try any offence punishable under this Act.

(2) No courts shall take cognizance of an offence under this Act, except upon a complaint in writing is made within six months of the date on which the offence is alleged to have been committed.

Effect of laws and agreements inconsistent with this Act.

**10.** (1) The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement, settlement or contract of service, whether made before or after the coming into force of this Act:

Provided that where under any such law, award, agreement, settlement, or contract or service, a life insurance agent is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the life insurance agent shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he is entitled to receive benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a life insurance agent from entering into an agreement with his employer for granting him rights or privileges in respect to any matter which are more favourable to him than those to which he would be entitled under this Act.

Power to make rules.

**11.** (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

In Insurance Laws (Amendment) Act, 2015 has made fundamental changes in the functioning of the insurance companies. The life insurance agents play a major role in procuring business and in the growth of the Insurance Sector. More than two million people are engaged as life insurance agents in the industry. Majority of them have opted this profession as full time job. The work requires a lot of time, energy and dedication. The competition amongst insurance companies for business has tremendously increased after the opening up of this sector to private players both at national and international levels.

Their contribution to insurance sector is immense in creating assets and increasing profit of the companies, at the same time providing benefits of insurance to the general public. In the absence of any welfare scheme by the Government for social security, these agents live in pathetic conditions. A portion of profit earned by the insurance companies through hard work of such agents needs to be devoted for the welfare of insurance agents and their life has to be secured. It is the responsibility of the Government in a welfare State to provide proper medical care, old age pension, family pension, etc., to every citizen of the country.

Insurance agents in general and Life Insurance Corporation of India (LIC) agents in particular are a self-employed group and earn their livelihood through the commission paid by LIC. They are responsible for the growth of LIC from inception till today and there is no doubt that LIC has been playing a pivotal role in the Indian economy. There are at present 11,63,604 LIC agents all over India and the Government is relieved of the burden of providing employment for them. However, the amendment to Agent's Regulations, 1972 of LIC has resulted in termination of 21,11,265 agents over the last six years and the number will increase if this method continues. The move of LIC to do away with the agents will certainly affect the business of LIC. LIC agents are a specialized group who are trained in canvassing insurance business and they may not be fit for any other job. Moreover, the Government will not be in a position to give them alternate jobs once they are terminated from LIC.

Even today, 96.22% of the business of LIC is brought by agents. The rest of the 3.78% of the insurance business is brought by nine public sector banks, four private sector banks, ten regional rural banks, thirty-three co-operative banks, one foreign bank, one hundred and eight corporate agents and two hundred and forty eight brokers. The present market share of LIC is 84.4% for which the agents are mainly responsible. The agents are a good source of publicity as by the time one policy is finalized, an agent would have met at least ten persons and discussed with them. This way, the Agents carry messages of insurance to every person in the country. The expenditure on publicity is in no way comparable if LIC takes up alternative source for publicity.

In fact, there are only 1,44,854 agents with five year's service who earn more than rupees two lakhs per year. Those with ten year's service who earn between rupees one lakh to two lakhs per year comes to 2,46,740 and those who earn less than rupees one lakh per year comes to 6,27,783.

From a capital of rupees five crores in 1956, LIC has grown to be a Corporation of rupees one hundred crore. The assets have grown to rupees 20,31,116.08 crore and life fund to rupees 18,24,194.95 crore in 2015. Thus, LIC is the premier global insurance company. The agents are mainly responsible for this enviable achievement of LIC over the years. This agency system has been taken as a global model. Other companies have taken up this system all over the world.

Therefore, a suitable legislation is urgently required to provide for general welfare of persons working as agents in the insurance sector particularly in LIC.

Hence this Bill.

NEW DELHI;  
*February* 11, 2016.

A. SAMPATH

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Life Insurance Agents Welfare Fund and a Board to administer the Fund. Clause 7 provides that Workmen's Compensation Act, 1923, the Industrial Disputes Act, 1947, the Minimum Wages Act, 1948, the Maternity Benefit Act, 1961, the Payment of Bonus Act, 1965 and the Payment of Gratuity Act, 1972, shall apply to life insurance agents. As such, the benefits available under these Acts would be available to life insurance agents. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 85 OF 2016

*A Bill to provide for financial protection and security to girl child born to parents living below poverty line and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Financial Assistance to Girl Child Born to Parents Living Below Poverty Line Act, 2016.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "girl child" means any female child born to parents living below poverty line and who has not attained the age of twenty years;

(c) "parents living below poverty line" means such parents whose income from all sources does not exceed rupees one lakh per annum; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification, constitute a Fund to be known as the Girl Child Development Fund for carrying out the purposes of this Act.

Constitution of Girl Child Development Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) The appropriate Government shall deposit a sum of one lakh rupees in the bank account of every girl child born to parents living below poverty line within one month of her birth.

(4) The deposit shall mature when the girl child attains the age of eighteen years or such after the expiry of period as may be fixed by the appropriate Government and such proceeds may be used by the girl child for education and other welfare measures.

4. The appropriate Government shall within six months of the coming into force of this Act, issue directions to the nationalised and private sector banks and insurance companies, to formulate suitable schemes which provide benefits of fixed or term deposit and insurance benefits to the girl child.

Schemes to be formulated by banks and insurance companies.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force giving benefits to the girl child.

Overriding effect of the Act.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Even after the completion of sixty-eight years of Independence, no clear-cut policy for the overall development of girl child belonging to Below Poverty Line (BPL) family has been formulated in our country so far. Today, a girl child of a poor family has to face problems at every stage. This includes, problems relating to poverty, upbringing, malnutrition, education, employment, vocational training, healthcare and problems faced at the time of her marriage. There is no institutional mechanism to harness the potential and channelize the energy of girl child of BPL family for the betterment of the country. There is no proper planning for comprehensive development of girl child. The plight of girl child belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes is even worse. Apart from all the problems as mentioned above, they also have to face social ostracisation. Birth of a girl child is still considered to be a curse.

There is a need to instill a sense of belongingness among the female children by providing them all opportunities for their development so that they can contribute to the progress of the country to their full potential. The facilities should be provided to them as a matter of right and not as a privilege. The steps taken in this direction will not only uplift the conditions of girl child but will also create a better society leading to a civilized and stronger nation. The Government should take responsibility of depositing one lakh rupees or as may be prescribed in financial institutions like banks and insurance companies in the name of new born girl child of BPL family, which will become a handsome amount after eighteen years or so which can be used for the purpose of higher education, skill development, training etc. of the girl child.

In this way, financial protection and security to girl child of BPL family must be ensured.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*February 12, 2016.*

RANJEET RANJAN



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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Girl Child Development Fund. It also provide for deposit of sum of one lakh rupees in the bank account of every girl child of parents living below poverty line. The expenditure relating to State shall be borne out of the Consolidated Fund of States concerned. The expenditure relating to Union Territories shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore will be involved.

A non-recurring expenditure of about rupees one thousand five hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 86 OF 2016

*A Bill to constitute a Central Council for recognition and regulation of the Electro Homoeopathy system of medicine in the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Electro Homoeopathy System of Medicine (Recognition) Act, 2016.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Central Council” means the Council constituted under section 7;

(c) “Central Register” means the Register of practitioners maintained under sub-section (1) of section 10;

(d) “Electro Homoeopathy” means the system of medicines founded by Dr. Count Cesare Mattei of Italy in the nineteenth century based on treatment of diseases by medicines made by the method of Spagyric Cohobation (repeated distillation) by which the life force of the plants are collected in the form of micro, macro and trace elements of the herbs;

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “State Register” means the Register of practitioners maintained by the State Government under sub-section (3) of section 10.

3. The Central Government shall, by notification in the Official Gazette, within two months of the coming into force of this Act, grant recognition to the Electro Homoeopathy System of Medicines to be practiced within the country.

Central Government to grant recognition to Electro Homoeopathy System of medicine.

4. (1) After the recognition being granted to Electro Homoeopathy System of medicines, any university, Board or other medical institutions may apply to the Central Government for permission to introduce a structured course in the Electro Homoeopathy System in such institutions.

Permission of Central Government for introduction of electrohomoeopathy as a course in educational institutions.

(2) No university, Board or other medical institution shall open the course of study in the system, except with the prior permission of the Central Government.

(3) The Central Government shall, before according permission, refer the application to the Central Council constituted under section 7 for its recommendations.

(4) On receipt of the application from the Central Government, the Central Council may obtain such particulars as may be considered necessary by it from the applicant and thereafter, make its recommendations to the Central Government.

(5) The Central Government may, after considering the application together with the recommendations of the Central Council made under sub-section (4) and after obtaining, such other particulars as may be considered necessary by it from the applicant, either approve with such conditions as may be considered necessary or disapprove the application and any such approval shall constitute a permission under sub-section (2) :

Provided that no application shall be disapproved by the Central Government except after giving the applicant a reasonable opportunity of being heard.

(6) Nothing in this section shall prevent any applicant whose application has been disapproved by the Central Government from submitting a fresh application.

(7) Where, within a period of one year from the date of submission of the application under sub-section (6), if no order is communicated to the applicant, the permission of the Central Government required under sub-clause (2) shall be deemed to have been granted.

5. The Central Government while granting permission or otherwise shall take into account, whether,—

Factors requisite to grant of permission by the Central Government.

(a) the university, Board or other medical institutions seeking to open a course in the Electro Homoeopathy System is in a position to offer the minimum standard of medical education prescribed by the Central Council under section 8;

(b) any arrangement has been made or programme drawn to impart proper training to students likely to attend such course of study or training by persons having the recognized medical qualifications;

(c) necessary facilities in respect of staff and equipment are available to ensure the proper conducting of the course or training;

(d) there is requirement of manpower in the field of practice of Electro Homoeopathy Medicines in the medical institutions; and

(e) there is any other factors prescribed in this regard.

Recognition  
of medical  
qualification  
in Electro  
Homoeopathy.

6. (1) Any university, Board or other medical institution recognised under this Act, shall be permitted to conduct courses of the Electro Homoeopathy System of Medicine, and grant such medical qualifications by awarding a degree in such manners as may be prescribed.

(2) Any university, Board or other medical institutions which opens a course in Electro Homoeopathy without obtaining permission under sub-section (2) of section 4 shall not be eligible to grant medical qualifications under sub-section (i).

(3) Medical qualifications granted by medical institutions outside India may be recognized on a recommendation from the Central Council.

(4) Every university, Board or other medical institution in India which grants a recognized medical qualification shall furnish such information as the Central Council may from time to time require.

(5) The Central Council shall appoint such number of medical inspectors as it may deem necessary to attend any examination held by any university, Board or other medical institution for the purpose of recommending to the Central Government recognition of medical qualifications granted by the university, board or medical institution.

(6) If the Central Council finds on the basis of a report by the medical inspector that the examination and the courses of study conducted by the university, Board or other medical institutions do not conform to the standard prescribed by the Central Council, the Council shall make a recommendations to that effect to the Central Government.

(7) The Central Government may upon receipt of such recommendation send it to the appropriate Government which shall forward the same to the university, board or medical institution for submitting its explanation within a stipulated time.

(8) After considering such explanations together with the recommendation of the appropriate Government, the Central Government may notify the withdrawal of recognition granted to that university, board or the medical institution.

Constitution  
of Central  
Council etc.

7. (1) The Central Government shall, by notification in the Official Gazette, constitute for the purpose of this Act a Central Council consisting of the following members, namely:—

(a) three members representing the Practitioners of Electro Homoeopathy whose names are entered in the State Register of Electro Homoeopathy under section (3) of section 10 to be elected from among themselves from states having such Register in such manner as may be prescribed.

(b) five members to be nominated by the Central Government from amongst persons having special knowledge or practical experience in respect of Electro Homoeopathy :

Provided that, until members, are elected under clause (a), the Central Government shall nominate such number of members as may be determined by it, being persons actively practicing Electro Homoeopathy.

(2) The President of the Central Council shall be elected by members of the Central Council from amongst themselves in such manner as may be prescribed.

(3) Election to the Central Council shall be conducted by the Central Government in accordance with such rules as may be prescribed.

(4) All disputes relating to any election to the Central Council shall be referred to the Central Government whose decision shall be final.

**8.** (1) It shall be the duty of the Central Council to prescribe the standards of Medical Education in the Electro Homoeopathy system.

(2) The Central Council shall consider whether a university, Board or Medical Institution is in a position to conduct courses in the Electro Homoeopathic System of Medicine and recommend accordingly.

(3) Any reference made to the Central Council by the Central Government shall be dealt with promptly by the Council.

(4) The Central Council shall meet at least once a year at such time and place as may be appointed by the Central Council.

(5) One third of the total number of members of the Central Council shall form a quorum in a meeting and all decisions therein shall be decided by a majority of the members present and voting.

(6) The Central Council shall prescribe the conditions of eligibility for a practitioner to be enrolled in the State Register of Electro Homoeopathy under section 10.

**9.** (1) The term of office of the President shall be five years from the date of his election:

Provided that he may continue in office till his successor assumes office.

(2) A member of the Central Council shall hold office for a period of five years from the date of his election or nomination as the case may be.

(3) A member shall be deemed to have vacated his seat, if,—

(a) he has remained absent without prior approval of the President from three consecutive meetings of the central council; or.

(b) he ceases to be enrolled in the state Register of Electro Homoeopathy for any reason whatsoever.

(4) A member of the Central Council shall be eligible for re-nomination.

(5) The Central Council shall appoint a Registrar who shall also act as secretary and appoint such other persons as it deems necessary to carry out the purposes of this Act.

(6) The salary and allowances payable to and other terms and conditions of the President, members, Registrar and the employees shall be such as may be prescribed.

**10.** (1) The Central Council shall cause to be maintained in the prescribed manner, a register of practitioners to be known as the Central Register of Electro Homoeopathy which shall contain the names of all persons who are for the time being enrolled on a State Register to be maintained by the State Government under sub-section (3) or any other law in force in that State.

(2) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Electro Homoeopathy for the purposes of this Act and from time to time revise the register and publish it in the Gazette of India in such manner as may be prescribed.

(3) Each State Government shall maintain in the prescribed manner, a Register of practitioner in that State to be known as State Register of Electro Homoeopathy which shall contain the names of all eligible practitioners of that system.

(4) The Registrar of the Central Council may on receipt of the report of registration of a person in a State Register or on an application made in the prescribed manner by any person, enter his name in the Central Register:

Provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration.

Duties and functions of the Central Council.

Term of office of the President and Members of the Council.

Central and State Registers of Electro Homoeopathy.

(5) Every person whose name is for the time being borne on the Central Register of Electro Homoeopathy shall be entitled to practice Electro Homoeopathy in any part of India.

(6) The Central Council may prescribe standards of professional conduct and a code of ethics for the practitioners of Electro Homoeopathy.

(7) If the name of any practitioner is removed from the State Register for any reason prescribed in a state law in force, the Central Council shall direct the removal of the name of such person from the Central Register.

Miscellaneous provisions.

**11.** (1) The Central Council shall furnish such reports, copies of minutes abstracts of its accounts and other information to the Central Government as may be prescribed.

(2) If the Central Government has reason to believe that the Central Council is not complying with any of the provisions of this Act, it may refer the matter to a commission of Inquiry consisting of three persons, two of whom shall be Judges of a High Court to be appointed by the Central Government and one person shall be appointed by the Central Council and such Commission shall inquire into the complaint in a summary manner and report its finds to the Central Government.

(3) If the charge of non-compliance is established on inquiry under sub-section (2), the commission shall recommend the remedies which in its opinion are necessary.

(4) The Central Government may require the Central Council to adopt the remedies recommended by the Commissions and if, the Central Council fails to comply with any such requirement, the Central Government may take such steps as may be considered necessary to give effect to the recommendations of the Commission.

(5) A commission of inquiry shall have power to administer oath or enforce the attendance of witnesses and the production of documents and shall have all such other necessary powers for the purpose of any enquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908.

5 of 1908.

Prosecution action taken in good faith.

**12.** No suit prosecution or other legal proceedings shall lie against the Government or the Central Council for anything in good faith done or intended to be done under this Act.

Power to make rules.

**13.** (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) Without prejudice to the generality of provision of sub-section (1) such rules may provide for,—

(a) the factors other than those mentioned in sub-sections (1) to (4) of section 4 for granting permission to open a course in Electro Homoeopathy.

(b) the manner of election of the President of the Central Council.

(c) the management of the property of the Central Council and the maintenance and audit of its accounts.

(d) the resignation of members of the council.

(e) the powers and duties of the President.

(f) the manner of election of members to the Central Council.

(g) the conduct of professional examination, qualification of examiners and the conditions of admission to such examinations.

(3) The Central Council may, with the previous sanction of the Central Government make by notification in the Official Gazette, regulations to carry out the purposes of this Act and without prejudice to the generality of this Power, such regulations may provide for,—

(a) the form of application and the particulars to be attached thereto seeking approval of the course in Electro Homoeopathy.

(b) minimum standards of medical education in respect of Electro Homoeopathy.

(c) the educational qualifications and other requirements of employees to be recruited by the Central Council.

(d) medical qualifications which will be granted by the University/Board or other medical institutions.

(e) the manner of maintaining the Central Register.

(f) procedure for conducting meetings of the Central Council.

(g) the powers of the Registrar of the Central Council.

(h) Remuneration for the President and members of the Central Council.

(i) Any other matter in respect of which regulations are required to be made. The Central Government shall cause every rule and regulation made under this Act.

(4) Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

## STATEMENT OF OBJECTS AND REASONS

Electro Homoeopathy is a system of medicines based on the extraction of plants' medical values by means of separation and reunification principle with the help of repeated distillation process. In Scientific term it is called "SPAGYRICAL COHOBATION".

The founder of this system, Dr. Count Cesare Mattei (1809-1896), who lived in Italy, discovered that the permanent cure for various ailments which afflict human beings lies in plants. Through long years of painstaking research, he perfected the methods of retracting the ever present medical values of plants and tried those medicines on patients. The trials were very successful which proved the soundness of his basic assumptions namely the plants contain great medicinal values which, if extracted, through a new process of repeated distillation could cure most of the ailments. Thus Electro Homoeopathy was born.

This system of treatment is presently being practiced in nineteen States in India. The efficacy of this system is borne out by the fact that more than ten lakh patients are receiving treatment daily in different parts of India. Similarly, around one lakh doctors are using this system as experts and around five lakh persons are qualified in this system.

However, due to the non-recognition of this system of medicine by the Government its formal practice, research study, granting of qualifications and other related activities are not possible at present. Even though some States have allowed the practice of this system of medicines in the absence of a legal framework for its recognition it cannot make any progress. It is a time-tested system based on plants' medicinal values whose benefits have reached millions of people. It is, therefore, the duty of the Government to recognize this system and help the ailing public get its benefits.

The Bill seeks to confer recognition on this important system of medicine.

Hence, this Bill.

NEW DELHI;  
*February 12, 2016.*

RANJEET RANJAN



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FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for constitution of a Central Council. Clause 9 provides for appointment of Registrar and staff for carrying out the purposes of this Act.

The Bill, therefore if enacted, will involve expenditure from the consolidated fund of India. It is estimated that a recurring expenditure of about rupees ten crore per annum would be involved out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules and regulation will relate to matters of detail only, the Delegation of legislative power is of a normal character.

## BILL NO. 102 OF 2016

*A Bill further to amend the Electricity Act, 2003.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Electricity (Amendment) Act, 2016.

(2) It shall come into force on the such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment of  
section 113.

**2.** In section 113 of the Electricity Act, 2003, in sub-section (1), in clause (a), for the words "is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court," the words "is a Judge of the Supreme Court or the Chief Justice of a High Court or an advocate for at least ten years in a High Court or two or more such Courts in succession" shall be substituted.

36 of 2003.

## STATEMENT OF OBJECTS AND REASONS

The concept of separation of powers was proposed by Montesquieu in the sixteenth century and the concept of equal opportunity has been highlighted by the framers of the Constitution through various provisions. These two ideas are required to be incorporated in the Electricity Act, 2003, which provides *inter alia* for rationalization of electricity tariff, ensuring transparent policies regarding subsidies, constitution of Central Electricity Authority and such other matters.

The executive, the legislature and the judiciary are known as the three pillars of democracy. It is expected that the three should function independently without major intervention of each other which would ensure that the respective duties are discharged in the best possible manner. However, at the same time, there should be sufficient checks and balances on these three wings so to avoid any one of them from becoming totalitarian in nature. In India, the checks and balances system has been working effectively. However, it has come to notice that some of the Tribunals and Commissions have exclusive provisions where retired judges of the Supreme Court or High Courts are being appointed by the executives. This lies absolutely against the spirit of Constitution.

Therefore, the proposed amendment seeks to remove the provision for appointment of retired judges as the Chairperson and members of Tribunal, Commission or Authority. Thus only a sitting judge of the Supreme Court or a High Court, as the case may be, can be appointed to such post if that judge wishes to leave his office voluntarily and assents to join Tribunal or Commission.

The Bill also seeks to insert provisions wherein an advocate with not less than ten years of practice becomes eligible to be appointed as the Chairperson of the Tribunal. The rationale of such could be found in our Constitution which provides for appointment of advocate with certain years of practice as Judge of the Supreme Court or a High Court. The same should be applied for Tribunals. This will facilitate the speedy disposal of the cases pending before the Tribunals because the positions in the Tribunals shall not remain vacant for long. This also captures the idea of providing equal opportunity to people with equal experience and eligibility.

The proposed amendment seeks to ensure that the doctrine of Checks and Balances and Right to equality is maintained.

NEW DELHI;  
February 11, 2016.

DUSHYANT CHAUTALA

## BILL NO. 100 OF 2016

*A Bill further to amend the Competition Act, 2002.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Competition (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section  
53D.

**2.** In the Competition Act, 2002, in section 53D, in sub-section (1), for the words "who is, or has been a Judge of the Supreme Court or the Chief Justice of a High Court" the words "who is a Judge of the Supreme Court or the Chief Justice of a High Court or an advocate for at least ten years in a High Court or two or more such Courts in succession" shall be substituted.

12 of 2003.

## STATEMENT OF OBJECTS AND REASONS

The concept of separation of powers was proposed by Montesquieu in the sixteenth century and the concept of equal opportunity has been highlighted by the framers of the Constitution through various provisions. These two ideas are required to be incorporated in the Competition Act, 2002 which provides *inter alia* for establishment of a Commission to prevent practices having adverse effect on competition.

The executive, the legislature and the judiciary are known as the three pillars of democracy. It is believed that the three should function independently without major intervention of each other and that would ensure that the respective duties are discharged in the best possible manner. However, at the same time, there should be sufficient check and balance on these three wings so as to avoid one of them from becoming totalitarian in nature. In India, the check and balance system has been working effectively. However, it has come to notice that some of the tribunals and commissions have exclusive provisions where only retired judges of the Supreme Court or the High Courts are being appointed by the executives. This lies absolutely against the spirit of Constitution.

Therefore, the proposed amendment is put forth to remove the provision for appointment of retired judges as Chairperson and members. Thus only a sitting judge of the Supreme Court or a High Court, as the case may be, can be appointed to such post if that judge wishes to leave his office of Judge voluntary and assents to join Tribunal or Commission.

The Bill also proposes to insert provisions wherein an advocate with not less than ten years of practice becomes eligible to be appointed as the Chairperson of the Tribunal. The rationale of such could be found in our Constitution which provides for appointment of advocates with certain years of practice as Judge of the Supreme Court or a High Court. The same should be applied for Tribunals. This will facilitate the speedy disposal of the cases pending in Tribunals because the positions in the Tribunals shall not remain vacant for long. This also captures the idea of providing equal opportunity to people with equal experience and eligibility.

The proposed amendment seeks to ensure that the doctrine of checks and balances and right to equality is maintained.

Hence this Bill.

NEW DELHI;  
February 11, 2016.

DUSHYANT CHAUTALA

## BILL NO. 99 OF 2016

*A Bill further to amend the Consumer Protection Act, 1986.*

BE it enacted by Parliament in the Sixty-Seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (*I*) This Act may be called the Consumer Protection (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
section 16.

**2.** In section 16 of the Consumer Protection Act, 1986 (hereinafter referred to as the principal Act), in sub-section (*I*), in clause (*a*), for the words “is, or has been a Judge of a High Court”, the words “is a Judge of a High Court or an Advocate for at least ten years in a High Court or of two or more such Courts in succession,” shall be substituted.

68 of 1986.

Amendment of  
section 20.

**3.** In section 20 of the principal Act, in sub-section (*I*), in clause (*a*), for the words “is or has been a Judge of the Supreme Court”, the words “is a Judge of the Supreme Court or an Advocate for at least ten years in a High Court or of two or more such Courts in succession,” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The concept of separation of powers was proposed by Montesquieu in the sixteenth century and the concept of equal opportunity has been highlighted by the framers of the Constitution through various provisions. These two ideas are required to be incorporated in the Consumer Protection Act, 1986 which provides *inter alia* for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer disputes and for matters connected therewith.

The executive, the legislature and the judiciary are known as the three pillars of democracy. It is expected that the three should function independently without major intervention of each other and that would ensure that the respective duties are discharged in the best possible manner. However, at the same time, there should be sufficient check and balances on these three wings so as to avoid any one of them from becoming totalitarian in nature. In India, the checks and balances system has been working effectively. However, it has come to notice that some of the Tribunals and Commissions have exclusive provisions where only retired judges of the Supreme Court or the High Courts are being appointed by the executives. This lies absolutely against the spirit of Constitution.

Therefore the amendment seeks to remove the provision for appointment of retired judges as the Chairperson and members. Thus only a sitting judge of the Supreme Court or a High Court, as the case may be, can be appointed to this post if that judge wishes to leave his office of Judge voluntary and assents to join Tribunal or Commission.

The Bill also proposes to insert wherein an advocate with not less than ten years of practice becomes eligible to be appointed as the Chairperson of the Tribunal. The rationale of such could be found in our Constitution which provides for appointment of advocates with certain years of practice as Judge of the Supreme Court or a High Court. The same should be applied for Tribunals. This will facilitate the speedy disposal of the cases pending in Tribunals because the positions in the Tribunals shall not remain vacant for long. This also captures the idea of providing equal opportunity to people with equal experience and eligibility.

The proposed amendment seeks to ensure that the doctrine of checks and balances and right to equality is maintained.

NEW DELHI;  
February 11, 2016.

DUSHYANT CHAUTALA

## BILL No. 101 OF 2016

*A Bill further to amend the Telecom Regulatory Authority of India Act, 1997.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Telecom Regulatory Authority of India (Amendment) Act, 2016.

(2) It shall come into force on the such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 14C. **2.** In the Telecom Regulatory Authority of India Act, 1997, in section 14C, in clause (a) for the words "is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court" the words "is a Judge of the Supreme Court or the Chief Justice of a High Court or an advocate for at least ten years in a High Court or of two or more such Courts in succession" shall be substituted.

24 of 1997.



## STATEMENT OF OBJECTS AND REASONS

The concept of separation of powers was proposed by Montesquieu in the sixteenth century and the concept of equal opportunity has been highlighted by the makers of the Constitution through various provisions. These two ideas are required to be incorporated in the Telecom Regulatory Authority of India Act, 1997 which provides for establishment of a Telecom Regulatory Authority of India and Telecom Dispute Settlement and Appellate Tribunal to regulate the telecommunication services, adjudicate disputes, dispose of appeals to protect the interests of service providers and consumers of telecom sector.

The executive, the legislature and the judiciary are known as the three pillars of democracy. It is believed that the three should function independently without major intervention of each other and that would ensure that the respective duties are discharged in the best possible manner. However, at the same time, there should be sufficient check and balance on these three wings so as to avoid one of them from becoming totalitarian in nature, in India, the check and balance system has been working effectively. However, it has come to notice that some of the tribunals and commissions have exclusive provisions where retired judges of the Supreme Court or the High Courts are being appointed by the executives. This lies absolutely against the spirit of Constitution.

Therefore the amendment is put forth to remove the provision for appointment of retired judges as Chairperson and members. Thus only a sitting judge of the Supreme Court or a High Court, as the case may be, can be appointed to this post if that judge wishes to leave his office of Judge voluntary and assents to join tribunal.

The second part of the amendment makes provisions wherein an advocate with not less than ten years of practice becomes eligible to be appointed as the Chairperson of the Tribunal. The rationale of such could be found in our Constitution which provides appointment of advocates with certain years of practice as Judge of the Supreme Court or a High Court. The same should be applied for Tribunals. This will facilitate the speedy disposal of the cases in front of the tribunals. This shall facilitate the speedy disposal of the cases pending in tribunals because the positions in the Tribunals shall not remain vacant for long. This also captures the idea of providing equal opportunity to people with equal experience and eligibility.

Therefore, the proposed amendment is to ensure that the doctrine of checks and balances and right to equality is maintained.

NEW DELHI;  
February 11, 2016.

DUSHYANT CHAUTALA

## BILL NO. 108 OF 2016

*A Bill to prevent adverse photography with a view to ensure that advancement in photography and drone technology does not lead to violation of privacy of individuals or servicemen on the line of duty or pose threat to the places of national or strategic importance.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Prevention of Adverse Photography Act, 2016.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "adverse", in relation to photography, means making video recording or taking photograph of a person without that person's implied or express consent and where such recording or photography is defamatory, distressful or capable of causing considerable damage to that person;

(b) "drone" means any non-State, manned or unmanned, aerial vehicle which is capable of taking photographs or creating videos;

(c) "photography" means the process of producing images or videos of object using any device including, but not limited to, cameras, mobile phones, camcorders and other recording devices; and

(d) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### PROHIBITION OF ADVERSE PHOTOGRAPHY

3. No person shall, for private consumption, indulge in adverse photography and take photograph of an unrelated individual without his consent.

Provisions for violation of individual privacy for private consumption.

4. No person shall indulge in photography, adverse or otherwise, or obtain or cause to obtain such photographs of policemen, defence personnel or any other servicemen on the line of duty for public consumption in a manner in which—

Provisions for violation of privacy of policemen, servicemen or defence personnel on the line of duty.

(a) individual is personally identifiable; and

(b) private or sensitive information of such individual is photographed.

5. No person shall indulge in photography or take or cause to take photographs of a private property if the owner of such property explicitly by signage so prohibits:

Provisions for private property photography.

Provided that nothing in this section shall apply to a private property which is generally open to public unless specially prohibited in the interest of national security or public safety.

6. (1) Every owner of a drone shall register such details of drone, as may be prescribed, with such authority of the Central Government, as may be designated for this purpose.

Provisions for use of drone technology.

(2) No person shall use drone technology to capture photographs of places of national or strategic importance without the prior permission of the Directorate General of Civil Aviation, Government of India.

(3) In addition to punishment which may be imposed on a person violating the provisions of sub-section (2), a drone found capturing photographs in violation of sub-section (2) may also be shot down.

## CHAPTER III

### PUNISHMENTS

7. Whoever contravenes the provision of section 3 shall be punished with imprisonment for a term which may extend upto three years or fine which shall not be less than rupees one lakh.

Punishment for violation of individual privacy for private consumption.

Punishment for violation of privacy of policemen, servicemen or defence personnel on the line of duty.

**8.** Whoever contravenes the provision of section 4 shall be punished with imprisonment for a term which may extend upto three years or fine which shall not be less than rupees five lakh.

Punishment for violation of provisions for private property photography.

**9.** Whoever contravenes the provision of section 5 shall be punished with imprisonment for a term which may extend upto three years or fine which shall not be less than rupees one lakh.

Punishment for violation of provisions to curb illegal drone photography.

**10.** Whoever contravenes the provision of sub-sections (1) or (2) of section 6 shall be punished with imprisonment for a term which shall not be less than three years but which may extend upto seven years and with fine which shall not be less than rupees five lakh.

#### CHAPTER IV

##### MISCELLANEOUS

Power to remove difficulties.

**11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order or direction shall be made after the expiration of two years from the commencement of this Act.

Act to have overriding effect.

**12.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

**13.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The last few years have seen significant improvement in photography technology. Every person today carries a camera phone in his pocket. Every day, a number of cases are reported where misguided elements of the society capture inappropriate pictures or videos, especially of women. The Current section 354 of Indian Penal Code, 1860 dealing with punishment for outraging the modesty of a woman is insufficient to deal with misuse of adverse photography for two reasons—Firstly, it is not gender neutral. Secondly, secretly capturing someone's photo may not directly and immediately have a component of assault or criminal force or done with the intent to outrage a woman's modesty. But such an immoral act should be illegal nonetheless.

Additionally, capturing, communicating or displaying of faces of policemen, servicemen or defence personnel on the line of duty could be of significant threat to operations or to their families. In certain democracies, such act of capturing photos of armed personnel is explicitly covered under counter-terrorism acts. Reporting of any operation by media professions is quintessential but that also carries the duty of not causing harm, intentional or unintentional, to the security of either the nation or the families of forces.

Moreover, number of countries around the world are trying to minimise the threats posed by drones by regulating the usage of drone technology. The number of drones is only going to rise in future and we need to have a pre-emptive legislation to ensure the safety of our skies. At the same time, drones are being developed across the world with specific intent of understanding the structures or creating the replicas of places of strategic importance. Such drones vary from the size of aerial toys to large scale planes. Recently, a person was captured with a small sized drone flying around the Prime Minister's residence. Repetition of such an incidence can't be tolerated under any circumstances.

Currently, foreign citizen require a "permit" for creating documentary or television show or feature films. The permit process can take thirty days. The Bill seeks to remove the distinction between foreign nationals and Indian citizens creating photographs or videos so long as it is done for personal consumption and to prescribe punishment for violation of the provisions.

However, the permit will still be required for all photographs/videos created or used for commercial or public purposes including use at various international forums and competitions.

The Bill, therefore, with a view to prevent the misuse of adverse photography seeks to provide for:—

- (i) prohibition of taking photograph of unrelated individual without his consent for private consumption;
- (ii) prohibition of taking photograph of policemen or servicemen on the line of duty for public consumption which is personally identifiable or sensitive;
- (iii) prohibition of photography of private property explicitly prohibited by owner;
- and
- (iv) registration of drones and restriction on the use of drones for specific purposes.

Hence this Bill.

NEW DELHI;  
February 12, 2016.

RAJEEV SATAV

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 84 OF 2016

*A Bill to provide for protection of identity of threatened witnesses in criminal cases involving serious offences and to provide for procedure and mechanism for such protection and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the National Witness Protection Act, 2016.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.

Short title,  
extent and  
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "concealment of identity of witness" includes any condition prohibiting publication or revealing, in any manner, directly or indirectly, of the name, address and other particulars relating to a witness which may lead to the identification of the witness;

(c) "competent authority" means Member-Secretary of the National Legal Services Authority or State Legal Services Authority, as the case may be;

(d) "family member" includes parents, spouse, siblings, children, and grand children of the witness;

(e) "*in-camera* proceeding" means proceeding wherein the public and press are not allowed to participate;

(f) "National Legal Services Authority" means the National Legal Services Authority constituted under the Legal Services Authority Act, 1987;

39 of 1987.

(g) "prescribed" means prescribed by rules made under this Act;

(h) "State Legal Service Authority" means the State Legal Services Authority constituted under the Legal Services Authority Act, 1987.

39 of 1987.

(i) "threat analysis report" means a detailed report prepared by designated police officers of the District/Unit investigating the case reflecting the seriousness and credibility of the threat perception to a witness or his family members containing specific details about the nature of threats faced by the witness or his family members to their life, reputation or property;

(j) "witness" means any person, who possesses information or document about any crime regarded by the competent authority as being material to any criminal proceeding and who has made a statement or who has given or agreed to give evidence in relation to such proceeding;

(k) "witness protection application" means an application moved by the witness in the prescribed form before a competent authority for seeking witness protection order; and

(l) "witness protection order" means an order passed by the competent authority detailing the steps to be taken for ensuring the safety of life, reputation or property of witness and his family members and shall include in interim order, if any, passed during the pendency of witness protection application.

Process of  
availing  
protection.

3. (1) During the course of investigation of any offence, the witness may apply for witness protection order at the court in which the proceedings are being heard or before the competent authority, as the case may be, in such manner as may be prescribed.

(2) The court or the competent authority, as the case may be, shall, upon receipt of an application under sub-section (1), call for the threat analysis report and, shall, upon receipt of report, evaluate the threat to the life, reputation or property of the witness or his family members or any other person, which it deems fit, to ascertain whether there is necessity to pass a witness protection order or not.

(3) The threat analysis report shall be submitted within seventy-two hours of the receipt of application.



(4) During the course of hearing of the application, the identity of the witness shall not be revealed to any other person.

(5) It shall be the duty of the competent authority to provide legal aid to the applicant free of cost.

4. The National Legal Services Authority shall frame policies for witness protection for effective implementation of the provisions of this Act.

National Legal Services Authority to frame policies for witness protection.

5. (1) It shall be the duty of the appropriate Government to formulate measures for the protection of witness.

Measures for the protection of witness.

(2) Without generality of the foregoing provision, the measures shall include—

(a) concealment of the identity of the witness;

(b) avoidance of face to face contact between the witness and the accused;

(c) compulsory *in camera* proceedings so as to protect the identity of the witness;

(d) monitoring of the calls and mails of the witness and providing him with an unlisted number;

(e) installation of security devices like Close Circuit Television (CCTV) at the witness' place of residence; and

(f) undertaking any other measure issued under the witness protection order to ensure safety of the witness.

6. The appropriate Government shall, by notification in the Official Gazette, designate a Legal Services Authority to perform, *mutatis mutandis*, the functions specified under section 5.

Appropriate Government to designate Legal Service Authority to perform measures to protect witness.

7. Whoever violates the provisions of this Act shall be deemed to have committed the offence of contempt of court and shall be punished accordingly.

Penalty.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the appropriate Governments for carrying out the purposes of this Act.

Central Government to provide requisite fund.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

10. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Act not in derogation of other laws.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity if anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

In recent years organized crime has grown and is becoming stronger and more diverse. In the course of investigation and prosecution of crime, particularly the more serious and complex forms of organized crime, it is essential that witnesses, the cornerstones for successful investigation and prosecution, have trust in criminal justice system. Witnesses need to have the confidence to come forward to assist law enforcement and prosecutorial authorities. They need to be assured that they will receive support and protection from intimidation and the harm that criminal groups may seek to inflict upon them in attempts to discourage or punish them. The Supreme Court as well as the Law Commission have emphasized on the need for legislative measures for protection of witnesses.

Hence this Bill.

NEW DELHI;  
*February* 18, 2016.

KIRIT PREMJBHAI SOLANKI

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FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for installation of security devices like Closed Circuit Television at witness' place of residence. Clause 8 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of respective States. The expenditure relating to Union territory shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees seven hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL NO. 79 OF 2016**

*A Bill to prevent throwing or depositing non-biodegradable garbage in public drains, roads and places open to public view so as to protect the environment from being polluted by such garbage and for matters connected therewith or incidental thereto.*

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary to implement the decisions aforesaid to protect the environment from the ill-effects of non- biodegradable garbage;

AND WHEREAS article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Environment Protection (Control of Non-biodegradable Garbage) Act, 2016.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "biodegradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings or microorganisms;

(c) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by persons employed in the clearing thereof or in the removal of such matters therefrom;

(d) "local self-Government" means a Panchayat, Municipality or a Cantonment Board or any such authority by whatever name called;

(e) "market" includes any place where people assemble or which is exposed for sale of meat, fish, fruits, vegetables, food, or any other articles for human use or consumption with or without the consent of the owner of such place or any other person or authority empowered to regulate such activities;

(f) "municipal area" means a territorial area within the jurisdiction of local self-Government:

(g) "non-biodegradable garbage" means the garbage or waste material which is not biodegradable and includes polythene, nylon and other plastic goods such as Polyvinyl Chloride, Polypropylene and Polystyrene;

(h) "occupier" includes—

(i) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(ii) an owner in occupation of or otherwise using his land or building;

(iii) any person in occupation of a land or building without payment of any rent or other consideration; and

(iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(i) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building, whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

(j) "place" means any land or building or part of a building and includes garden, ground and out houses, if any, pertaining to a building or part of a building;

(k) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;

(l) "prescribed" means prescribed by rules made under this Act; and

(m) "public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house gully or way, whether a thoroughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass.

Prohibition to throw non-biodegradable garbage in public drains and sewage.

**3.** (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall, in order to protect the environment, ensure that no person, by himself or through another, shall knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fittings, connected with the private or public drainage works, any non-biodegradable garbage or any biodegradable garbage in a non-biodegradable bag or container likely to—

(a) injure the drainage and sewage system;

(b) interfere with the free flow or affect the treatment and disposal of drain and sewage contents; or

(c) be dangerous or cause a nuisance or be prejudicial to public health or environment.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any biodegradable or non-biodegradable garbage in any public place or in a place open to public view, unless,—

(a) the garbage is placed in a garbage receptacle; or

(b) the garbage is deposited in a location designated by a local self-Government institution having jurisdiction on an area for the disposal of the garbage.

Provision for placement of receptacles and places.

**4.** It shall be the duty of the local self-Government to—

(a) provide at proper and convenient places public receptacles, depots or places for temporary deposit or collection of non-biodegradable garbage;

(b) provide separate dustbins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit of biodegradable garbage;

(c) provide for the removal of contents of receptacles, depots and the accumulation at all places provided by it under clause (a); and

(d) arrange for recycling of the non-biodegradable garbage collected under this Act.

Duty of owners and occupiers to collect and deposit non-biodegradable garbage, etc.

**5.** It shall be the duty of every owner and occupier—

(a) to collect or cause to be collected from their respective land and buildings, the non-biodegradable garbage and to deposit, or cause to be deposited, in public receptacles, depots or places provided for temporary deposit or collection of the non-biodegradable garbage by the local self-Government institution in the area;

(b) to ensure disposal of non-biodegradable waste in separate receptacles or dustbins in the manner prescribed by the local self-Government institution and to keep such receptacles or dustbins in good condition.

Removal of non-biodegradable garbage.

**6.** The appropriate Government may, by notice in writing, require the owner or occupier of any land or building, which has become a place of unauthorized stacking or deposit of non-biodegradable garbage and is likely to cause a nuisance, to remove or cause to be removed the deposited garbage so stacked or; and if, in its opinion, such stacking or deposit of non-biodegradable waste is likely to injure the drainage and

sewage system or is likely to be dangerous to life, health and environment, it shall forthwith take such steps at the cost of owner or occupier as it may think necessary.

**7.** (1) Manufacturing of soft drink bottles, shampoo and detergent bottles used with Polyethylene Terephthalate, milk bottles, household cleaners, supermarket bags used with high density polyethylene, bread bags used with low density polyethylene, bread bag tags, jars and wrapping films used with polyethylene resins and mixed plastic used for making feathers, toys, or such other items is hereby prohibited.

Prohibition of manufacture of plastic products for packaging of certain items.

(2) No person shall use plastic or its derivatives for manufacturing any article for use by infants.

**8.** (1) Whoever commits any act in contravention of any of the provisions of this Act shall be punished with fine which may extend upto five thousand rupees.

Penalties.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punished with fine which may extend upto ten thousand rupees.

(3) Whoever in any manner aids or abets the commission of any offence under this Act shall be punished with fine which may extend upto five thousand rupees.

2 of 1974.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and bailable.

**9.** (1) If the person committing an offence punishable under this Act is a Company, every person who, at the time of the commission of the offence, was in-charge of, and responsible to the Company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by Companies.

Provided that nothing contained in this section shall render any person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent commission of the offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any Director, Manager, Secretary or other officer, such Director, Manager, Secretary or officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section.—

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

**10.** All offences under this Act shall be tried in a summary way by a Judicial Magistrate of the First Class and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 shall, as far as may be, apply to such trials.

2 of 1974.

Offences to be tried summarily.

**11.** Any offence punishable under this Act may, before the institution of the prosecution, be compounded by the local self-Government institution concerned or by such officer as may be authorized by the appropriate Government in this behalf, on payment, for credit to the local self-Government institution concerned, of such sums not exceeding the amount of fine fixed for that offence.

Compounding of offences.

**12.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time for the purposes of this Act.

Central Government to provide funds.

Savings.

**13.** The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Power to  
make rules.

**14.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

Environment pollution and its ill effects have attracted the attention the world over and ways and means to control the pollution are being thought of and implemented. In this regard removal of garbage has become a major problem in cities and towns. Solid waste disposal is the duty of local self government institutions. Major portion of the solid waste is of bio-degradable nature, *i.e.* it can be destroyed by the action of living being and micro organism. Such bio-degradable garbage can be converted into compost or used as a source of energy or manure. Whereas, non-biodegradable garbage is the bane of modern civilization. The advent of plastic made up of Polyvinyl Chloride (PVC), Polypropylene and Polystyrene and other substances create environmental disasters leading to health hazards. Such substance chokes gutters, drain and marine outfalls, creating nightmare for sewage engineering. It clogs the soil, preventing the free flow of water through it and depleting it of its fertility and water tables. The Bill seeks to control the use and disposal of such non-bio-degradable substances.

Hence this Bill.

NEW DELHI;  
February 25, 2016.

SHARAD TRIPATHI

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF THE  
CONSTITUTION

**[Copy of letter No. 2-12/2016-HSMD dated 7 April, 2016 from Shri Prakash Javadekar, Minister of State, of the Ministry of Environment, Forest and Climate Change to the Secretary General, Lok Sabha.]**

The President, having been informed of the subject matter of the Environment Protection (Control of Non-Biodegradable Garbage) Bill, 2015 by Shri Sharad Tripathi, Member of Parliament, recommends to the House the consideration of the Bill under article 117(3) of the Constitution.

## FINANCIAL MEMORANDUM

Clause 12 of the Bill provides that the Central Government shall provide requisite funds after due appropriation made by Parliament by law in this behalf, from time to time for the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees ten crore would be involved from the Consolidated Fund of India per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 81 OF 2016

*A Bill to require the Central Government and the Public Enterprises Selection Board to make timely arrangements so that board-level vacancies in central public sector enterprises are filled expeditiously.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Timely Filling of Vacancies in Central Public Sector Enterprises Act, 2016.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Board-level vacancy" refers to those posts in public sector enterprises for which the Public Enterprises Selection Board recommends a name for appointment, namely, the posts of Chairperson, Managing Director or Chairperson-cum-Managing Director (Level I) and Functional Director (Level II);

(b) "Public Enterprises Selection Board" refers to the board of the same name constituted by the Government of India by a resolution dated August 30th 1974 and as reviewed from time to time;

(c) "anticipated vacancy" refers to a vacancy for a post that arises due to the superannuation of the personnel who is occupying that post; and

(d) "unanticipated vacancy" refers to a vacancy for a post that could not have been reasonably foreseen, such as when the vacancy arises due to the death or resignation of the personnel who is occupying that post.

Role of Public Enterprises Selection Board for anticipated vacancies.

3. For every anticipated vacancy, the Public Enterprises Selection Board shall—

(a) send the job description of the post sixteen months in advance to the concerned ministry for comments;

(b) finalise the job description of the post within fifteen days of complying with clause (a), irrespective of whether the concerned ministry has responded with comments or not;

(c) cause advertisement of the vacancy to be issued one year in advance; and

(d) take all such steps as may be necessary to ensure that a final recommendation as to who should be appointed to fill the vacancy is sent to the concerned ministry six months in advance.

*Explanation.*—This provision shall operate without prejudice to any other function or act of the Public Enterprises Selection Board that is not inconsistent with the requirements under this Act, such as selecting a reserve recommendation for a post and keeping it in a sealed cover, to be disclosed only if necessary.

Role of Central Government for anticipated vacancies.

4. For every anticipated vacancy, once the requirements of section 3 have been fulfilled by the Public Enterprises Selection Board, the Central Government shall, two months in advance of the vacancy, finalise and notify the details of the personnel who has been chosen to fill the post once it becomes vacant.

*Explanation.*—This provision shall be satisfied if a designated mechanism of the Central Government, such as the Appointments Committee of the Cabinet, finalises and notifies the details of the personnel who has been chosen to fill the post once it becomes vacant.

Role of Central Government in achieving continuity.

5. Once the requirements of section 4 have been fulfilled, the Central Government shall also take steps to ensure that the personnel whose details have been notified shall, as early as possible, work closely with the personnel currently occupying the post to understand the characteristics of the role, including by providing that the former shall shadow the latter in the performance of his functions, where possible.

Role of Public Enterprises Selection Board for unanticipated vacancies.

6. For every unanticipated vacancy, the Public Enterprises Selection Board shall take all such steps as may be necessary to ensure that a final recommendation as to who should be appointed to fill the vacancy is sent to the concerned ministry within four months of the arising of vacancy.

Role of Central Government for unanticipated vacancies.

7. For every unanticipated vacancy, the Central Government shall, within one month of receiving the recommendation from the Public Enterprises Selection Board under section 6, finalise and notify the details of the personnel who has been chosen to fill the post.

**8.** Within one month of the coming into force of this Act, the Central Government shall notify an official, not below the rank of Additional Secretary, who shall be responsible for ensuring that the Central Government fulfils its obligations under sections 4 and 7.

Designated  
Officials.

**9.** (1) Failure of the Central Government to fulfil its obligations under sections 4 and 7 shall make the official referred to in section 8 liable to—

Penalties.

(a) a fine of one thousand rupees for each day of delay in finalizing and notifying a personnel as provided for under these sections;

(b) such other disciplinary action as the Central Government may deem fit:

Provided that no penalty shall be imposed if the official proves that the failure to fulfil these obligations was due to circumstances beyond his or her control.

(2) Failure of the Public Enterprises Selection Board to fulfil its obligations under sections 3 and 6 shall make its Chairperson liable to a fine of one thousand rupees for each day of delay in making a recommendation as provided for under these sections:

Provided that no penalty shall be imposed if the Chairperson proves that the failure to fulfil these obligations was due to circumstances beyond his or her control.

**10.** No suit, prosecution or other legal proceedings shall lie against any officer, employee, agency or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act.

Protection of  
actions taken  
in good faith.

**11.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each house of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Central public sector enterprises constitute a key element of our economy. Ensuring proper management and corporate governance of these enterprises is crucial not just because of our obligation to utilize taxpayer money in the most efficient way, but also because ineffective leadership at these enterprises can have adverse ramifications for the economy as a whole.

Currently, there exist guidelines from the Public Enterprises Selection Board and the Appointments Committee of the Cabinet which prescribe practices that aim to ensure that no board-level vacancy in public sector enterprises lies unfilled for a long period of time. However, there is a need to provide statutory force to these practices, especially as we continue to see large number of board-level posts remaining vacant today despite these guidelines. There is also a need to fix responsibility, accompanied by penalties for breaching the same, so that every incentive exists for the timely filling of vacancies that arise. Finally, there is a need to recognise that the advance identification of personnel who will fill vacancies once they arise is important not just for avoiding delays, but also for ensuring some continuity in the management of the public sector enterprises.

Hence this Bill.

NEW DELHI;  
*February 24, 2016.*

BAIJAYANT PANDA

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 82 OF 2016

*A Bill to require the Central Government to issue notification of coming into force of laws passed by Parliament in a timely manner.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

**1.** This Act may be called the Timely Commencement of Laws Act, 2016.

Short title.

**2.** In this Act, unless the context otherwise requires "notification section" in reference to an Act passed by the Houses of the Parliament means that section which empowers the Central Government to bring into force that Act from such date as it may, by notification in the Official Gazette, appoint and includes those provisions in the notification section or

Definitions.

elsewhere in that Act which empowers the Central Government to appoint, by notification, different dates for coming into force of different provisions of that Act or different dates for coming into force of all or any provision in different parts of India or a State.

Commencement of an Act within a period of ninety days.

**3.** Notwithstanding anything in the notification section of any Act, an Act after having received the assent of the President of India, shall be deemed to have come into force after the expiry of a period of ninety days from the date it is finally passed by the Houses of Parliament, unless it has, by notification, come into force earlier than the said period of ninety days:

Provided that in case of an Act, which does not receive the assent of the President of India within a period of ninety days from the date it is finally passed by the Houses of Parliament, the Act shall be deemed to have come into force on the date it receives the assent of the President of India.

Central Government to publish Act in the Official Gazette.

**4.** If an Act is deemed to have come into force by operation of section 3, the Central Government shall at the earliest possible instance publish information conveying that fact in the Official Gazette.

Extension of time for commencement of the Act with approval of the Houses.

**5.** Notwithstanding anything in section 3, if each House of Parliament, before the expiry of period of ninety days referred to in section 3, by resolutions, approves the coming into force of an Act beyond the said period of ninety days, the Act shall then be deemed to have come into force after the expiry of six month from the date it is finally passed by the Houses of Parliament, unless it has, by notification, come into force earlier than the said period of six months:

Provided that if the resolutions cannot be moved in either or both the Houses of Parliament, owing to being not in session or in the House of the People owing to its dissolution, the Central Government may, by notification in Official Gazette, declare its intention of moving such resolutions in the immediately following session or in the session to be held after general election, as the case may be, and, upon the publication of such notification, the provisions of section 3 shall not apply till the expiry of seven days from the commencement of immediately following session or the session to be held after general election, as the case may be.



## STATEMENT OF OBJECTS AND REASONS

It is beyond doubt that there can be cases where it is desirable to confer upon the Central Government a limited amount of discretion in deciding and notifying the appointed date on which an Act, that has been passed by Parliament, comes into effect. This discretion allows the Central Government some amount of time to make adequate arrangements for implementing a new Act.

However, the system as it exists right now offer much scope for misuse. With no compulsion to notify the commencement of the Act by any definite date, the Central Government has an effective veto over laws that have been passed by the Parliament. This possibility, if not rectified, would be an affront to the basic tenets of separation of powers that we cherish.

Thus, there is a need to cap the amount of time that can be given to the Central Government to notify the coming into force of a law after it has been passed by Parliament.

Hence this Bill.

NEW DELHI;  
*February 25, 2016.*

BAIJAYANT PANDA

## BILL NO. 83 OF 2016

*A Bill to provide for better accountability in public works undertaken by the Central Government through regular publication of geotagged and time-and-date-stamped photographs of the progress being achieved in such works.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Geotag-Enabled Monitoring of Public Works Act, 2016.

(2) It shall come into force on such date as the Central Government may, by a notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "Central Government body" means a Central Government body, organisation or establishment, by whatever name called, that engages in relevant public works;

(b) "geotagging" means the process of adding geographical information, usually in the form of latitude and longitude coordinates, to a photograph;

(c) "public work" include civil works and irrigation, navigation, embankment and drainage works, whether undertaken for creation of new assets or for the improvement or maintenance of the existing assets;

(d) "relevant public works" means public works having a budget of rupees ten lakh or more undertaken by any Central Government body, either directly, that is to say, when the work is carried out by the Central Government body, or indirectly, that is to say, when arrangements are made where an entity carries out the works on behalf of the Central Government body, like awarding a contract for public works to a private entity; and

(e) "time-and-date-stamping" means the process of adding information about when a photograph was taken on a photographic device, in the form of time and date, to the photograph.

3. (1) Every Central Government body shall, by the seventh day of every month, or by the next working day, if the seventh day is not a working day, procure geotagged and time-and-date-stamped photographs of relevant public works and transmit such photographs to the Union Ministry of Statistics and Programme Implementation.

Every Central Government body to procure and transmit geotagged and time-and-date-stamped photographs.

(2) The photographs referred to in sub-section (1) shall—

(a) clearly communicate the progress or lack of progress made in the relevant public work in the last month or lack of progress thereof, as the case may be; and

(b) cover all major components of the relevant public work.

(3) The photographs referred to in sub-section (1) need not be procured and transmitted after the Central Government body certifies the completion of the relevant public work.

4. (1) Where releasing geotagged and time-and-date-stamped photographs of a public work may have adverse implications on national security, such public work shall be so certified by the Central Government.

Act not to apply on projects having a bearing on national security.

(2) Nothing in this Act shall apply to public works certified by the Central Government under sub-section (1).

5. (1) The Union Ministry of Statistics and Programme Implementation shall, by the fifteenth day of every month, or by the next working day if the fifteenth day is not a working day, upload the photographs transmitted under section 3 by Central Government bodies, on an especially created website, which shall be freely accessible to the public.

Uploading geotagged and time-and-date-stamped photographs by the Ministry of Statistics and Programme Implementation.

(2) The Union Ministry of Statistics and Programme Implementation shall cause a report on the implementation of the system of collecting and uploading the geotagged and time-and-date-stamped photographs of relevant public works to be laid before each House of Parliament once in every session.

6. The Union Ministry of Statistics and Programme Implementation shall—

Duties of the Ministry of Statistics and Programme Implementation.

(a) ensure that the especially created website referred to in section 5 is user friendly and any person can, as far as possible, easily find out the geotagged and time-and-date-stamped photographs of a specific public work;

(b) ensure that the photographs are presented in a manner that makes it easy for a person to compare the monthly progress that may have been made for a specific public work;

(c) lay down guidelines and standards to ensure that no attempt to transmit or upload incorrect information regarding the geotag or time-and-date-stamped information succeeds; and

(d) monitor technological developments to ensure that the most accurate way of presenting the progress of public works through geotagged and time-and-date-stamped photographs is implemented.

Penalty for failure to perform duties by designated officials responsible for processing and transmitting the geotagged and time-and-date-stamped photographs.

**7. (1)** Every Central Government body shall, within one month of the coming into force of this Act, designate an official, not below the rank of Director or equivalent, who shall be responsible for ensuring that the Central Government body processes and transmits photographs as specified under section 3.

(2) Where the Central Government body fails to fulfil its obligations under section 3, the official designated under sub-section (1) shall be liable to—

(a) pay a fine of rupees one thousand per day for delay, beyond the period specified in section 3, in processing and transmitting the photographs; and

(b) such other disciplinary action as the Central Government may deem appropriate:

Provided that no penalty shall be imposed if the official proves that the failure to fulfil the obligations under section 3 was due to circumstances beyond his control.

Penalties for failure to upload geotagged and time-and-date-stamped photographs by designated official of the Ministry of Statistics and Programme Implementation.

**8. (1)** The Union Ministry of Statistics and Programme Implementation shall, within one month of coming into force of this Act, designate an official not below the rank of Joint Secretary to the Government of India, who shall be responsible for ensuring that the Union Ministry of Statistics and Programme Implementation uploads the photographs on an especially created website as specified under section 5.

(2) Where the official designated under sub-section (1) fails to fulfil his obligations under section 5, he shall be liable to—

(a) pay a fine of rupees one thousand for every extra day it takes to publish the photographs, after the day by which the photographs were supposed to be published; and

(b) such other disciplinary action as the Central Government may deem fit:

Provided that no penalty shall be imposed if the official proves that the failure to fulfil the obligations was due to circumstances beyond his control.

Communication about failure of transmitting geotagged and time-and-date-stamped photographs of projects by Central Government body.

**9. (1)** Where a Central Government body fails to transmit the photographs, as required under section 3, to the Union Ministry of Statistics and Programme Implementation, the Ministry shall communicate the same to the Union Ministry of Finance.

(2) The Union Ministry of Finance shall ensure that no further funds are issued for the concerned relevant public works until the Ministry of Statistics and Programme Implementation certifies that it has received the delayed photographs and a report from the Central Government body about the reasons for delay in transmitting the photographs.

Protection of action taken in good faith.

**10.** No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done, or intended to be done, under or in pursuance of the provisions of this Act.

Power to make rules.

**11. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or

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more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Undertaking public works is a key function of the Central Government. The expenditure of public money on such works demand that the highest standards of accountability be attached to them. Unfortunately, there are numerous instances of public works languishing in delays and deadlocks. In many cases, the entities responsible for timely completion of the required public works present a wrong picture of the progress they are achieving. This can mislead both the public and the authorities.

A significantly improved sense of accountability would arise if the above mentioned entities are required to submit geotagged and time-and-date-stamped photographs of the progress they are making with the public works on a monthly basis. Geotagging and time-and-date-stamping are effective ways of not only ensuring that the photographs are of the relevant public work, but also of enabling interested citizens to check and confirm the progress for themselves. This will usher in a significantly more responsible utilisation of public money.

Hence this Bill.

NEW DELHI;  
February 25, 2016

BAIJAYANT PANDA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for procuring and transmitting of geotagged and time-and-date-stamped photographs of public works to the Union Ministry of Statistics and Programme Implementation. Clause 5 provides for creation of website and uploading of time-and-date-stamped photographs to give access to public about the progress of public works undertaken by Central Government bodies. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore will be involved.

A Non-recurring expenditure of about rupees twenty crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 74 OF 2016

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2016.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For section 124A of the Indian Penal Code 45 of 1860, the following section shall be substituted, namely:—

Substitution of  
new section  
for section  
124A.

"124A. Whoever, by words, either spoken or written or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the principles of democracy, secularism or national unity enshrined in the Constitution of India or when such words or actions directly results in the use of violence or incitement of violence and results in the commission of a grievous offence shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Sedition.

*Explanation 1.*—The expression "disaffection" includes disloyalty and all feelings of enmity.

*Explanation 2.*—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

*Explanation 3.*—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.



## STATEMENT OF OBJECTS AND REASONS

The offence of sedition in the Indian Penal Code, 1860 has been a subject of controversy for a long time. Many of our freedom fighters were charged under this including Bal Gangadhar Tilak, Annie Besant and Mahatama Gandhi. Recently, a few students of Jawaharlal Nehru University, Delhi were arrested reportedly on the charge of sedition, which has been opposed by many. The need is to amend section 124A of the Indian Penal Code, 1860 in the interest of democracy and freedom of expression as enshrined in article 19 of the Constitution of India.

Hence this Bill.

NEW DELHI;  
*March 2, 2016.*

SAUGATA ROY

## BILL NO. 75 OF 2016

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 124A.

2. For Section 124A of the Indian Penal Code 1860, the following section shall be substituted, namely:—

45 of 1860

Sedition.

“124A. Whoever, by words, either spoken or written or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, and thereby generates an inclination to cause harm to public order by violent acts, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

*Explanation 1.*—The expression “disaffection” includes disloyalty and all feelings of enmity.

*Explanation 2.*—Mere casual raising of slogans against the Government established by law in India shall not amount to sedition unless there is direct and imminent incitement to violence.”.

## STATEMENT OF OBJECTS AND REASONS

The provision of sedition did not find place in the Indian Penal Code when it was enacted in 1860. Subsequently, for purely political reasons, section 124A was inserted in the Code by the British colonial Government. The section was liberally used to stifle free speech and many nationalist leaders, including Bal Gangadhar Tilak and Mahatma Gandhi, were tried under this section, so much so that Pandit Jawaharlal Nehru once described this section as “highly objectionable and obnoxious”.

In such historical backdrop, it was expected that the provisions relating to sedition would not remain in our statute books. However, not only was the provision retained in the statute book, its constitutionality was upheld by the Supreme Court in *Kedarnath versus State of Bihar* (1962). Since then, the provisions have stood firmly in the statute book and have been used a number of times by successive Governments.

The Bill, therefore, seeks to restrict the scope of the definition of sedition to only such cases which bring or attempt to bring into hatred or contempt, or excite or attempt to excite disaffection towards, the Government established by law in India, and thereby generates an inclination to cause harm to public order by violent acts.

The Bill seeks to achieve the above object.

NEW DELHI;  
*March 3, 2016.*

BHARTRUHARI MAHTAB

## BILL NO. 88 OF 2016

*A Bill to amend the National Green Tribunal Act, 2010.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the National Green Tribunal (Amendment) Act, 2016.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 5.

**2.** In section 5 of the National Green Tribunal Act, 2010, in sub-section (1), for the words "unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court", the words "unless he is a Judge of the Supreme Court of India or Chief Justice of a High Court or an Advocate for at least ten years in a High Court or in two or more such Courts in succession" shall be substituted.

19 of 2010.

## STATEMENT OF OBJECTS AND REASONS

It has been observed that in various Tribunals and other *quasi judicial* bodies a huge pendency of cases lies. It is primarily for the reason that the seat of Chairperson or other judicial members remain vacant due to delay in appointment of judges as the Chairperson or members, as the case may be, of Tribunals or *quasi judicial* bodies.

Therefore, the proposed amendment is put forth to remove the provision for appointment of retired judges as the Chairperson and members in these Tribunals. Thus, only a sitting judge of the Supreme Court or a High Court, as the case may be, can be appointed to this post if that judge wishes to leave his office of Judge voluntary and assents to join Tribunal.

The Bill also proposes to insert provisions wherein an advocate with not less than ten years of practice becomes eligible to be appointed as the Chairperson of the Tribunal. This shall facilitate the speedy disposal of the cases pending before the Tribunals because the positions in the Tribunals shall not remain vacant for long. This also captures the idea of providing equal opportunity to people with equal experience and eligibility.

NEW DELHI;  
March 9, 2016.

RAVNEET SINGH BITTU

## BILL NO. 80 OF 2016

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of the  
Constitution  
(Scheduled  
Castes) Order,  
1950.

**2.** In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in *Part XVIII*.—  
*Uttar Pradesh*, entry 49 shall be omitted.

Amendment  
of the  
Constitution  
(Scheduled  
Tribes) (Uttar  
Pradesh)  
Order, 1967.

**3.** In the Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, after entry 15, the following entry shall be inserted namely:—

"16. Kol".

## STATEMENT OF OBJECTS AND REASONS

A large number of people belonging to 'Kol' tribe reside in the forest area of the States of Uttar Pradesh and Madhya Pradesh. Most of them are landless and depend on forest produce for their livelihood. They have their unique cultural tradition which is in resemblance with the tribal society. They are economically very poor and backward. They establish their marriage relations in tribal societies only. They reside especially in forest area of Chitrakoot, Sonbhadra and Mirzapur districts of the State of Uttar Pradesh and in forest area of Satna and Rewa districts of the State of Madhya Pradesh. The community has been included in the list of Scheduled Castes in respect of the State of Uttar Pradesh. However, the community is not able to compete with the persons belonging to the Scheduled Castes in the matter of appointments in service under the State and have been deprived of benefits.

Therefore, taking into consideration the cultural and economic aspects of the 'Kol' community, it is necessary that the community be excluded from the list of Scheduled Castes Order and included in the list of Scheduled Tribes Order in relation to the State of Uttar Pradesh to enable them to avail the existing financial and other benefits occurring to the listed tribal communities.

Hence this Bill.

NEW DELHI;  
March 10, 2016.

BHAIRON PRASAD MISHRA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to include Kol community in the list of Scheduled Tribes in respect of the State of Uttar Pradesh. The Bill, therefore, if enacted, would involve additional recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to this tribe under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees five hundred crore will be involved annually.

No non-recurring expenditure will be involved.

## BILL NO. 95 OF 2016

*A Bill further to amend the Motor Vehicles Act, 1988.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Motor Vehicles (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 40.

**2.** In section 40 of the Motor Vehicles Act, 1988, the following proviso shall be inserted, namely:—

"Provided that not more than one motor vehicle of same category shall be registered with the same address of residence or place of business where the vehicle is normally kept."



## STATEMENT OF OBJECTS AND REASONS

In the recent years it has been observed that road traffic especially in the metropolitan cities has increased manifold. The number of vehicles being registered is increasing day by day and it would not be a surprise if it is stated that eighty per cent. of the vehicles of the country are registered in metropolitan and large cities. The increase in vehicles not only cause high pollution levels but also increase the consumption of fuel resulting in a considerable outgo of money abroad due to import of fuel. It has also been seen that there are more than one vehicles of same category per family registered at same address. It is a fact that the road network of any city cannot be expanded any further and, therefore, increase in number of vehicles has resulted in heavy traffic on the roads leading to traffic jams and congestion in parking space.

The Bill, therefore, seeks to amend the Motor Vehicles Act, 1988 with a view to provide that not more than one motor vehicle of same category shall be registered at the same residence or the place of business where the vehicle is normally kept.

Hence this Bill.

NEW DELHI;  
March 9, 2016.

SHRIRANG APPA BARNE

## BILL NO. 96 OF 2016

*A Bill to provide for reservation in employment by port trusts to local persons.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Port Trusts (Reservation in Employment to Local Persons) Act, 2016.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) ‘port’ means the following ports, namely:—

(i) Jawahar Lal Nehru Port Trust (Nhava Sheva) Mumbai

(ii) Chennai Port

(iii) Tuticorin Port

- (iv) Cochin Port
- (v) Mangalore Port
- (vi) Vizagpattinam Port
- (vii) Porbandar Port
- (viii) Paradip Port
- (ix) Kolkatta Port

and shall include such other ports, as the Central Government may, by notification in the Official Gazette, specify; and

(b) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, fifty *per cent* of the total number of vacancies to fill a post notified by a port trust shall be reserved in favour of local persons in such manner as may be prescribed.

Reservation in posts in favour of local persons.

*Explanation.*—For the purposes of this Act, the expression "local persons", in reference to a port trust, shall mean such persons who are residing in district in which the port trust is situated.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Local population would be suitable for employment in any organisation owing to their better understanding of the geography, history, tradition and culture of the area in which the organisation is located. As such they would be in a better position to perform their duty well. This is required to be applied to organisations which are still localised and engaged in commercial activities. It would, therefore, be appropriate and wise to employ local population in port trusts to increase its efficiency and generate employment opportunities for them.

Hence this Bill.

NEW DELHI;  
*March 10, 2016.*

SHRIRANG APPA BARNE

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 97 OF 2016

*A Bill to provide for the development of heritage cities and sites in the country and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Heritage Cities and Sites Development Act, 2016.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government, may by notification in the official Gazette, appoint.

## Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means a State Government or a Union territory Administration, as the case may be;

(b) "heritage city or heritage site" means a city or site which has been, or may be, from time to time, declared by the United Nations Organisation or any other international organisation or the Central Government as the city or site having special cultural or physical significance;

(c) "Fund" means the Heritage Cities and Sites Development Fund constituted under section 3; and

(d) "prescribed" means prescribed by rules made under this Act.

Heritage  
Cities and  
Sites  
Development  
Fund.

**3.** The Central Government shall constitute a Fund to be known as the Heritage Cities and Sites Development Fund for the development of heritage cities and sites in the country.

Utilization of  
fund.

**4.** The Fund shall be utilised for—

(i) development of heritage cities and sites;

(ii) creating necessary infrastructure for promotion and development of tourism in heritage cities and sites; and

(iii) providing necessary transport facilities to reach the heritage cities and sites.

Constitution  
of Heritage  
cities and sites  
development  
committee.

**5. (1)** The Central Government shall constitute a committee to be known as Heritage Cities and Sites Development Committee, to be headed by a Chairperson and consisting of such number of members, as may be prescribed, to administer the Fund.

(2) The salary and allowances payable to and other terms and conditions of service of Chairperson and members shall be such as may be prescribed.

Power to  
make rules.

**7. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity if anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Our country is a very ancient country and is a conservation of innumerable historical cities and sites of heritage value. A majority of these cities and sites are in a dilapidated condition and requires urgent refurbishment. Many of these cities have been declared as heritage cities by United Nations Organisation but they do not have any development worth naming. In fact, from time to time Central Government also declares many cities and sites as heritage cities and sites but their declaration are only in paper and no real development has been noticed as such. If these cities are developed it would not only bring considerable revenue by way of tourism but also can inculcate the importance of these sites in the minds of our youth. Needless to say it would create ample employment opportunities for our youth. Therefore, it is proposed to set up a fund for development of heritage cities and sites in the country.

Hence this Bill.

NEW DELHI;  
*March* 9, 2016.

SHRIRANG APPA BARNE

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the constitution of a fund for the development of heritage cities and sites. Clause 6 provides for the constitution of the Heritage Cities and Sites Development Committee. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crore would involve from Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.



## BILL NO. 87 OF 2016

*A Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Meerut.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

**1.** This Act may be called the High Court at Allahabad (Establishment of a Permanent Bench at Meerut) Act, 2016. Short title.

**2.** There shall be established a permanent Bench of the High Court at Allahabad at Meerut and such Judges of the High Court at Allahabad, being not less than twenty-five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Meerut in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Meerut, Bulandshahr, Ghaziabad, Gautam Buddha Nagar, Baghpat, Hapur, Saharanpur, Muzaffarnagar, Shamli, Sambhal, Moradabad, Bijnor, Rampur, Amroha, Agra, Firozabad, Mainpuri, Mathura, Aligarh, Etah, Hathras and Kasganj. Establishment of a Permanent Bench at Allahabad at Meerut.

## STATEMENT OF OBJECTS AND REASONS

The State of Uttar Pradesh with a population of around 20 crore is the most populous State of the Union of India. According to Court News Volume IX April-June 2014, the Allahabad High Court in the State of Uttar Pradesh has around 23% of the all pending cases in the High Courts in India. It is the highest pendency of cases among the High Courts in India.

There has been a long pending demand to establish a permanent Bench of the High Court in western Uttar Pradesh since 1955, when the then Chief Minister of Uttar Pradesh had proposed setting up of the Bench of High Court at Meerut. Jaswant Singh Commission also recommended the establishment of a permanent Bench of Allahabad High Court in western Uttar Pradesh.

The number of pending cases from western Uttar Pradesh region are more than half of the total number of pending cases in Allahabad High Court. The proceedings of cases arising out of western Uttar Pradesh held in at Allahabad High Court even though there is Lucknow Bench of High Court in between Allahabad and Western Uttar Pradesh but it has no territorial jurisdiction over pending cases of western Uttar Pradesh. Western Uttar Pradesh region with around one-third of State population requires a separate Bench comprising not less than 25 Judges of Allahabad High Court at Meerut.

Besides this, in a large number of cases, the Government of Uttar Pradesh, its various departments or the Public Sector Undertakings and autonomous bodies under the State Government happen to be a party. Therefore, establishment of a permanent Bench at Meerut will not only reduce unnecessary expenditure from the public exchequer but would also benefit people from five divisions *i.e.*, Agra, Aligarh, Meerut, Moradabad and Saharanpur comprising total 22 districts *i.e.*, districts of Meerut, Bulandshahr, Ghaziabad, Gautam Buddha Nagar, Baghpat, Hapur, Saharanpur, Muzaffarnagar, Shamli, Sambhal, Moradabad, Bijnor, Rampur, Amroha, Agra, Firozabad, Mainpuri, Mathura, Aligarh, Etah, Hathras and Kasganj.

Hence this Bill.

NEW DELHI;  
March 10, 2016.

RAJENDRA AGRAWAL

## BILL NO. 103 OF 2016

*A Bill to provide for certain facilities to persons belonging to economically weaker class and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Economically Weaker Class (Provision of Certain Facilities) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "family" means husband, wife and dependent children; and

(iii) "prescribed" means prescribed by rules made under this Act.

Criteria for identification of persons belonging to economically weaker class.

3. For the purposes of this Act, a family shall be deemed to belong to the economically weaker class if the monthly income of such family from all sources is not more than three thousand rupees:

Provided that the Central Government may, having regard to the cost of living and earning opportunities available in any State or part of that State and taking into consideration such other factors, as it may deem necessary, prescribe an income ceiling of more than rupees three thousand for such State or part of such State.

Central Government to determine manner for identification of persons belonging to economically weaker class.

4. (1) The Central Government shall, in consultation with the State Governments, determine the manner of identifying families belonging to economically weaker class.

(2) The Central Government shall give wide publicity to the manner by which families belonging to economically weaker class shall be identified.

Designation of nodal officer for identification of persons belonging to economically weaker class.

5. (1) The appropriate Government shall designate a nodal officer in every district to identify the families belonging to economically weaker class living in that district.

(2) Every nodal officer shall prepare, maintain and publish the list of families belonging to economically weaker class in such form and manner as may be prescribed.

(3) The nodal officer shall review and revise the list, referred to in sub-section (2), from time to time.

Complaint against inclusion or omission of a name in the list.

6. (1) Any person, who objects to the inclusion or omission of any family in the list, may file a complaint with the nodal officer within such time and in such form and manner as may be prescribed.

(2) On receipt of a complaint under sub-section (1), the nodal officer shall, after giving the complainant and the affected family an opportunity of being heard, dispose of the complaint in such manner, as may be prescribed, within a period of thirty days from the date of receipt of such complaint.

Central Government to provide suitable employment.

7. The Central Government shall provide suitable employment to at least one eligible member of the family belonging to economically weaker class:

Provided that where suitable employment with a minimum monthly salary of rupees ten thousand to at least one eligible member of a family is not provided, a monthly subsistence allowance of not less than rupees ten thousand or rupees ten thousand minus monthly Salary, as the case may be, shall be provided to such family by the Central Government till such time the eligible member of that family is provided with suitable employment with a minimum monthly salary of rupees ten thousand:

Provided further that the Central Government may, having regard to the cost of living and earning opportunity in any State or part of that State and taking into consideration such other factors, as it may deem necessary, for the purposes of first proviso, increase or decrease the amount of minimum monthly salary of rupees ten thousand.

Certain facilities to be provided by the appropriate Government.

8. The appropriate Government shall provide the following facilities to the members of the families belonging to economically weaker class, namely:—

(i) scholarship of an amount not exceeding rupees twenty thousand per annum to every student for pursuing education upto senior secondary level;

(ii) scholarship of an amount not exceeding rupees one lakh to every student for pursuing higher or professional or technical education;

(iii) loan facilities from nationalized banks for self-employment at an interest rate which shall not be more than four per cent. per annum;

(iv) free health care facilities in all Government hospitals including reimbursement of expenses, not exceeding rupees two lakhs, for treatment taken in emergent situations in private hospitals;

(v) payment of disability allowance in case the earning member of a family is disabled, partly or fully, due to an accident;

(vi) provision of supply of essential commodities of daily use at subsidized rates; and

(vii) housing facility at subsidized rates.

**9.** The expenditure incurred on payment of subsistence allowance under section 7 and providing facilities under section 8 shall be borne by the Central Government and the State Governments in such ratio, as may be prescribed.

Contribution towards payment of subsistence allowance and providing facilities by the Central and State Governments.

**10.** There shall be reserved such percentage of seats, as may be prescribed, in all educational institution, including technical and professional institutions, in favour of children of families belonging to economically weaker class.

Reservation of seats in all educational institutions including technical and professional institutions.

**11.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

**12. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Majority of our population is living below poverty line in miserable conditions. Our Government has made considerable efforts and taken initiatives for the upliftment of people belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Class. But the fact remains that the problems of majority of the population are still to be addressed properly. A large chunk of population, who are not covered under any of the welfare schemes, is economically backward. The people belonging to economically weaker class are also socially and educationally backward as they do not have enough money or resources for pursuing higher education. A high percentage of our population earns less than rupees one hundred per day and it is almost impossible to meet the expenditure incurred on maintaining even a small family with this paltry amount.

Most of them are rickshaw pullers, beedi workers, agricultural, labourers, etc. and do not have any facilities for sending their children to schools. Even if their children get admission in schools, they do not have money to buy books, stationery and other items. They do not have access to any health facilities and solely depend on Government hospitals in emergent situations. They do not have any resource to take up any self-employment schemes.

It is the responsibility of a welfare State to address the problems of persons belonging to economically weaker class of the society. Therefore, it is proposed to provide some facilities to economically backward people who are in genuine need of help from the State.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*March* 11, 2016.

RAMESH POKHRIYAL 'NISHANK'

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FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for publicity to the manner for identification of families belonging to economically weaker class by the Central Government. Clause 5 provides for preparation, maintenance and publication of list of families belonging to economically weaker class by the nodal officer in every district. Clause 7 provides for suitable employment to at least one eligible member of the family belonging to economically weaker class. It also provides for a monthly subsistence allowance in case suitable employment is not provided to at least one eligible member of the family till such time the eligible member of the family is provided with suitable employment. Clause 8 provides for certain facilities like scholarship to students, healthcare facilities, loan at cheaper interest rate, housing facility and supply of essential commodities at subsidized rates etc. to the families belonging to economically weaker class by the appropriate Government. Clause 9 provides for contribution by the Central Governments and State Governments towards payment of subsistence allowance and providing facilities under the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

It is estimated that an annual recurring expenditure of about rupees twenty thousand crores will be involved.

A non-recurring expenditure of about rupees nine hundred crores is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 104 OF 2016

*A Bill to provide for certain measures to be undertaken by the Union and the State Governments for the welfare of mentally retarded children and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Mentally Retarded Children (Welfare) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



2. In this Act, unless the context otherwise requires,—

Definitions.

(i) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) “child” means a boy or a girl who is below the age of twenty years;

(iii) “Committee” means the Residential Schools Management Committee constituted by the appropriate Government under section 6;

(iv) “mentally retarded child” means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence;

(v) “residential school” means an institution or home which is run by private or Government aid for the education and protection of mentally retarded children; and

(vi) “prescribed” means prescribed by rules made under this Act.

3. The appropriate Government shall from time to time hold, within its jurisdiction, a census for collecting all relevant data relating to mentally retarded children.

Census for mentally retarded children.

4. The appropriate Government shall,—

Setting up of residential schools and providing education and employment to mentally retarded children.

(i) establish residential school for mentally retarded children in every district;

(ii) ensure yoga training for mentally retarded children in residential schools and also parents meeting and their counselling once every month;

(iii) provide food, adequate care, protection, lodging and boarding, books, stationery items and uniform free of cost;

(iv) provide transportation facilities to the mentally retarded children to enable them to attend school;

(v) provide concession to mentally retarded children with their parents or caretaker in journey by bus, rail and air;

(vi) provide job oriented professional education and training for self-employment to mentally retarded children after they complete their school education according to their capability; and

(vii) pay subsistence allowance or financial assistance to such mentally retarded children as are not able to earn livelihood.

5. The appropriate Government shall provide such monthly allowance to the economically poor guardian or caretaker of mentally retarded child for his livelihood, health care and treatment, as may be prescribed.

Monthly allowance to the guardian or caretaker of the mentally retarded children.

6. (1) The appropriate Government shall set up a local Committee in every district to be known as the Residential Schools Management Committee to look into issues relating to admissions and management of residential schools.

Residential Schools Management Committee.

(2) The Committee shall consist of—

(a) the District Magistrate who shall be the Chairperson *ex-officio*; and

(b) not more than five members, of whom at least two members shall be women, from amongst the persons living in that district and have knowledge in the field of child welfare, to be nominated by the Chairperson.

(3) The appropriate Government shall provide to the Committee such number of officers and staff as may be necessary for the efficient functioning of the Committee.

Clinic for mentally retarded persons.

**7.** There shall be set up at least one clinic in every Government hospital for mentally retarded persons where such persons shall be provided medical treatment including physiotherapy, occupational therapy and psychological treatment and other healthcare facilities free of cost in such manner as may be prescribed.

Facilities to be provided in residential schools.

**8.** (1) The appropriate Government shall appoint—

(i) well trained teachers who have experience of teaching mentally retarded children and addressing their special needs; and

(ii) such number of administrative personnel for better management of residential schools as it may be deemed necessary.

(2) The salary and allowances payable to and other terms and conditions of service of the teachers and non-teaching staff of residential schools shall be such as may be prescribed.

Provision of public awareness.

**9.** The appropriate Government shall—

(i) create awareness amongst masses through mass media about special care of mentally retarded children; and

(ii) create appropriate mechanism for redressal of grievances of mentally retarded children in respect of violation of provisions of this Act.

Central Government to provide funds.

**10.** The Central Government shall, after due appropriation made by Parliament, by law, in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding effect of the Act.

**11.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

**12.** (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

## STATEMENT OF OBJECTS AND REASONS

The number of mentally retarded children is continuously increasing in the country. They become mentally and physically dependent due to mental retardation. The families of mentally retarded children are forced to live in difficulty because of non-availability of scientific knowledge for the upbringing, care and livelihood of mentally retarded children in the country. The mentally retarded children and their families bear this torture without any fault of theirs. The families are forced to bear the unbearable cost of care and health services for mentally retarded children. Several guardians disown these children considering them as burden on the family and leave them alone on bus stands, railway stations, temples and masjids for begging. Anti-social elements take advantage of this situation. Several welfare institutions for the mentally retarded children in the country are facing difficulty in keeping them under their protection after their having attained eighteen years of age. They need more protection and support at this point of their age. Therefore, the Government should come forward for welfare of mentally retarded children and take care of their life term livelihood. The provisions of financial assistance to the parents, guardians or caretakers will help them to bring these mentally retarded children in social mainstream and setting up of residential schools will help in addressing their special needs. The Government should take sole responsibility of mentally retarded children and provide protection to them in order to remove their dependence on social institutions in view of their plight. The provision for affording an opportunity to mentally retarded children to live with pride is expected to be made by the Government.

Therefore, it is extremely necessary to provide for welfare measures of mentally retarded children in the country.

Hence this Bill.

NEW DELHI;  
March 11, 2016.

RAMESH POKHRIYAL 'NISHANK'

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that a child census may be conducted to collect all relevant data of mentally retarded children. Clause 4 provides for setting up of residential schools to impart education and training to mentally retarded children. Clause 5 provides for monthly allowance to the guardian/caretakers of the mentally retarded children. Clause 6 provides for setting up of a Residential School Management Committee in every district. Clause 8 provides for appointment of teachers and non-teaching staff alongwith all basic facilities in residential schools. Clause 9 provides that the appropriate Government shall create awareness amongst mass and set up appropriate fora for redressal of parents or caretakers of mentally retarded children. Clause 10 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees nine hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 107 OF 2016

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2016. Short title.
2. In the Third Schedule to the Constitution, in Form III, under the heading 'B', after the words “I will faithfully discharge the duty upon which I am about to enter” the words “Bharat Mata ki Jai.” shall be inserted. Amendment of the Third Schedule.

## STATEMENT OF OBJECTS AND REASONS

We are citizens of India and country is our motherland. We are born in this country and spend our entire lifetime in India. Just as a mother loves her children, the children should also give back the same affection to her. Similarly, the citizens of country should have love for their motherland in the same manner in which they love their mother.

Our nation is the largest democracy of world and the members elected from various fields represent the country in Parliament. Therefore, the members of Parliament should say “Bharat Mata Ki Jai” to show respect to their country after taking oath of membership so that more respect and affection can be developed for the country. The words “Bharat Mata Ki Jai” would define the love for nation in the citizens of the country.

Hence this Bill.

NEW DELHI;  
*March 17, 2016.*

GOPAL CHINAYYA SHETTY

## BILL NO. 55 OF 2016

*A Bill to provide for free and compulsory teaching of sanitation and cleanliness in all schools as part of Swachh Bharat Abhiyan and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Sanitation and Cleanliness in Schools Act, 2016.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "elementary education" means the school education from first standard to eighth standard;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "sanitation and cleanliness" means maintenance of hygienic conditions and includes safe disposal of human urine and faeces;

(e) "school" means—

(i) a school established, owned or controlled by the appropriate Government or a local authority; or

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; or

(iv) an unaided school not receiving any kind of aid or grants to meet its expenditure; or

(v) an educational institution managed by a private entity, society or a trust,

which imparts elementary education.

Compulsory teaching of sanitation and cleanliness in schools.

**3.** From such date, as the Central Government may, by notification in the Official Gazette specify, sanitation and cleanliness shall be taught as a compulsory subject in all schools.

Appropriate Government to issue directions for compulsory teaching of sanitation and cleanliness in schools.

**4.** (1) The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of sanitation and cleanliness in all schools within its jurisdiction.

(2) While issuing directions to include a subject on 'Sanitation and Cleanliness' as part of the school curriculum, the appropriate Government shall ensure that—

(i) lessons on personal hygiene and community cleanliness are made part of the teaching on the subject; and

(ii) the values enshrined in the Constitution and all round development of the child's knowledge on health and sanitation have been taken into consideration.

Promotion of cleanliness.

**5.** Every school shall, at least twice in every year, conduct exhibitions aimed at promoting sanitation and cleanliness at community level and once in every year conduct cleanliness drive to promote importance of sanitation and cleanliness.

Teacher Training Manual.

**6.** (1) The appropriate Government shall, in consultation with Central Government, publish a teacher training manual which shall prescribe the best practices and methods to be applied while teaching about sanitation and cleanliness.

(2) It shall be compulsory for every school to conduct a teacher training programme on sanitation and cleanliness every year to ensure effective implementation of the provisions of this Act.

Act to apply to minority schools in certain situation.

**7.** Notwithstanding anything in this Act, the provisions of this Act shall apply to minority schools only if the management of such schools convey to the appropriate Government their willingness to include sanitation and cleanliness in its school curriculum.



- 8.** The appropriate Government shall monitor the implementation of the provisions of this Act. Implementation of the Act.
- 9.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act. Central Government to provide funds.
- 10.** The appropriate Government shall derecognise a school which does not comply with the provisions of section 4 or 5 and may impose a fine of rupees one lakh after giving such school a reasonable opportunity of being heard. Punishment.
- 11.** The Central Government shall issue such directions to the State Government or, as the case may be, the local authority, as it may deem fit for the purposes of implementation of the provisions of this Act. Power to issue directions.
- 12.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by an order published in the Official Gazette, not inconsistent with the provisions of this Act: Power to remove difficulties.
- Provided that no such order shall be issued after expiry of two years from the commencement of this Act.
- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.
- 13.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

One of the commonly recalled statements about hygiene is one that by Mahatma Gandhi: "Sanitation is of more importance than political independence". However, even after sixty-nine years of independence, we are yet to realise the goal of a clean India. Keeping this in mind, the Bill proposes to make young minds in India realise the value of health and sanitation. As future leaders of the country, it is essential for students to be nurtured with importance of sanitation.

The Bill proposes inclusion of a subject on sanitation and cleanliness in elementary school curriculum. By virtue of this move, the Bill ensures that children grow up knowing the importance of cleanliness which will help to achieve Mahatma Gandhi's vision of a clean India. Apart from achieving cleanliness, such curriculum will play a vital role in understanding the concept of germs and reduce the spread of several communicable diseases that can be controlled through clean habits. Education is an investment in unearthing the country's potential in the longer run. Similarly, inclusion of subject on cleanliness will help to achieve clean India by raising citizens with cleanliness as part of their core values.

Moreover, by virtue of having a teacher training manual and training programme, the concept of sanitation will be dynamic keeping in touch with reality rather than sticking with one laid down curriculum.

The Bill seeks to achieve the above mentioned objectives.

NEW DELHI;  
*February 9, 2016.*

OM BIRLA

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FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for publication of a teacher training manual that prescribes best practices and methods to be applied while teaching about sanitation and cleanliness. Clause 9 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of this Act. The expenditure relating to State Governments shall be borne out of the Consolidated Funds of States concerned. The expenditure in relation to Union Territories shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees three hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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ANOOP MISHRA  
*Secretary-General.*